

Per Commissioners Minutes June 5, 1995

ORDINANCE # 30

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming public and private roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County that the following public and private roads are given the official names as stated;

<u>NC DOT ROAD NUMBER</u>	<u>OFFICIAL NAME</u>
SR 1109	Church Hill Street (Garnet-Heights)
SR 1143	John M. Hargett Lane
SR 1166	Whitford St (in Trent Acres)
SR 1167	Parker Drive (in Trent Acres)
SR 1168	Trent Drive (in Trent Acres)
SR 1169	River Rd (Comfort)
SR 1170	Lina Eubanks Rd (Plantation)
SR 1175	Frank Watson Rd (Comfort)
SR 1304	Wilcox Road (From Copeland Farm Rd to Moore Rd)
SR 1304	Worley Hill Rd (From Moore Rd to Silo Rd)
SR 1305	Copeland Farm Rd (From Lenoir Cty line to Wilcox Rd)
SR 1305	Moore Rd (From Wyse Fork Rd to Copeland Farm Rd)
SR 1323	Furney Brock Rd
SR 1347	Simmons St (off Back St, Trenton)
SR 1349	Haiti St (Haiti)
SR 1352	Rock Creek Loop Rd
SR 1354	Monk St. (Trenton)
SR 1355	Jones St. Ext (Trenton)
SR 1358	West St. (Haiti)
_____	Andrews Lane (Off Ten Mile Fork Rd)
_____	Country Club Drive (Off Oak Grove Rd)
_____	Country Road (South of Hwy 41 West)
_____	Cox Lane (Off Weyerhaeuser Rd)
_____	Davis Circle (Near Moose Lodge)
_____	Eubanks Lane (Off Plantation Rd)
_____	Foy Lane (Off Middle Rd)
_____	Frank St (Garnet-Heights)
_____	Gibbs Lane (Off Hwy 41 East)
_____	Gray Lane (Off Goshen Rd)
_____	Green St (Garnet-Heights)
_____	Griffin Lane (Off Hwy 58 N, Trenton)
_____	Hagar Avenue (Garnet-Heights)
_____	Heath Lane (Off Spann Rd)
_____	Henry Hill Lane (Off Spann Rd)
_____	Horton Lane (Off Hwy 58 South)
_____	Humphrey Lane (Off Hwy 58 North, Trenton)
_____	Johnson Field Lane (Off Johnson Field Rd)
_____	Jones Lane (Off Hwy 41 E, Trenton)
_____	(Across from Mason Hall)
_____	Jones Rd (Off Hwy 58 North, Trenton)
_____	Kinsey Lane (Off Old New Bern Rd)
_____	Loftin St (Garnet-Heights)
_____	Quinn Lane (South of Hwy 41 West & West of Comfort)
_____	River Island Rd (Off Crump Farm Rd)
_____	River Lane (Off Chinquapin Chapel Rd)

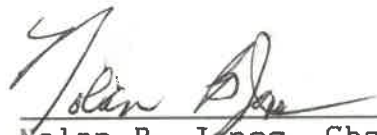
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Ordinance # 30


June 5, 1995

_____	Roberts Lane (off Pleasant Hill Rd)
_____	Scott Farm Rd (Off Hwy 17 S, New Bern)
_____	Smith Lane (Off McDaniel Rd)
_____	Sutton Lane (Off Hwy 58 N, Trenton)
_____	Thigpen Lane (Off Middle Rd)
_____	Trailer Court Lane (Off Oliver's Cross Roads)
_____	Trent Farm Rd (Off Hwy 17 S, New Bern)
_____	Trent Field Farm Rd (Off Curtis Rd)
_____	Violet Court Lane (Off Island Creek Rd)
_____	Weyerhaeuser Lane (Off Weyerhaeuser Rd)

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on June 5, 1995.



Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: 

Cora Davenport, Clerk
Board of County Commissioners

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Per Commissioners Minutes October 16, 1995

ORDINANCE # 31

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public and private roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County that the following public and private roads are given the official names as stated;

<u>NC DOT ROAD NUMBER</u>	<u>OFFICIAL NAME</u>
	Battle Lane (W.Richlands Hwy)
	Battle Road (Off Quinn Rd)
	Buck Lane (Loop Rd off Hwy 58 S of Maysville)
	Casey Lane (E.41 W)
	Collins Lane (Off SR 1102 S of Maysville)
	Country Club Rd (N Oak Grove Rd-Quaker Neck)
	Dixon Field Rd (Off SR 1102)
	Dogwood Drive (N.Landfill Rd)
	Dogwood Lane (S.Ralph Banks Rd)
	Gilbert Lane (S.Pine St)
	Goshen Way (Off Goshen Rd)(Was Gray Lane)
	Gray Lane (W.Old Comfort Hwy)
	Harriett Lane (East off Hwy 17N)
	Haskins Lane (E Chinquapin Chapel Rd)
	Henderson Lane (SW Henderson Rd)
SR 1344	Hughes Farm Rd.
SR 1345	Hughes Plantation Rd.
	Kingfield Dr (N.Kingfield Rd)
	Kingfield Lane (SE Kingfield Rd)
	Lewis Lane (S of Hwy 41 West, near Taylor's Corner)
	Magg Smith Rd (S of Oak Grove Rd)
	Meadows Lane (W of Hwy 58 S)
	Mercer Lane (N.Henderson Rd)
	Mill Run Rd.(Off Stone Chapel Rd)
	Murray Lane (NE Chinquapin Chapel Rd)
	Moore's Lane (Off SR 1122)
SR 1318	Noble's Lane
	Ontrento Rd (Off Stone Chapel Rd)
	Phillips Lane (NE 58N)
	Pine Tree Lane (Off SR 1102)
	Plantation Lane (Off Plantation Rd)
	Pollock Lane (S.Middle Rd)
SR 1003	Richlands Hwy
	Smith Drive (Off Quinn Rd)
	Smith Lane (East of Hwy 58 S)
	Sutton Lane (NE 58N)
	Toodle Lane (E.41 E)
	Tyndall Lane (N of WO River Rd)
	Ward Lane (W.41 E)
	Willard Lane (NE 58N)
	Yates Lane (N of SR 1105)

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on May 15, 1995.


Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: 
Cora Davenport, Clerk
Board of County Commissioners

Ordinance # 32

Approved November 20, 1995

AN ORDINANCE PERMITTING THE POSTING OF SIGNS
TO PROHIBIT THE CARRYING OF CONCEALED HANDGUNS
ON CERTAIN COUNTY PROPERTY

WHEREAS, Chapter 398 of the 1995 Session Laws changes prior law by establishing a system that will allow private citizens to obtain permits to carry concealed handguns; and

WHEREAS, this change in the law will significantly increase the number of individuals who may legally carry concealed handguns; and

WHEREAS, the Board of Commissioners is concerned about the increased presence of concealed handguns on County property and about the threat that such increased presence will pose to the health, safety, and general welfare of the community; and

WHEREAS, N.C.G.S. & 14-415.23 authorizes Counties to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with N.C.G.S. & 14-415.11(c), on County buildings, their appurtenant premises, and parks; and

WHEREAS, it is the intent of this ordinance to permit the posting of County property such that the carrying of concealed handguns on the posted premises will constitute a violation of N.C.G.S. Chapter 14, Article 54B;

NOW, THEREFORE, BE IT ORDAINED by the Jones County Board of Commissioners that:

Section 1. Posting of Signs Required. The County Manager is hereby ordered to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Jones County, as well as the appurtenant premises to such building, indicating that concealed handguns are prohibited therein.

Section 2. Location of Signs. Said signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premise, or park. The County Manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premise, or park.

Section 3. Effective Date. The ordinance shall be effective on and after December 1, 1995.

Adopted this the 20th day of November, 1995.



Chairman

Vice-Chairman

Commissioner

Commissioner

Commissioner

Per Commissioners Minutes January 6, 1997.

ORDINANCE # 33

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public roads are given the official names as stated:

NC DOT ROAD NUMBER	PRESENT NAME:	OFFICIAL NAME
		James Murrell Lane (Off Oak Grove Rd)
		Gooding Drive (Off Wilcox Rd)
		Wynwood Lane (Off Hwy 17 N)
		Kennedy Drive (Off SR 1129)
		Forest Glen Drive (Off Island Creek Rd beside bridge)
		Hoosie's Lane (Off SR 1156, Beaver Creek)
		J. H. Dudley Rd. (West of Yates Lane, Maysville)
		Jarman Lane (Off Hwy 41 East (south of bridge, Trenton)
		Mallard Cove Landing (Off Hwy 17, New Bern,)
		Creekside Rd (Off Scott Farm Rd) New Bern
		Rivertide Rd (Off Creekside Rd) New Bern
		Sunset Drive (Off Copeland Farm Rd, Beaver Creek)
		Mobley Lane (Off Mary Tate Rd, Pink Hill)
SR 1336	Old Hwy 17 Loop Rd	Killis Murphy Rd. (Off Hwy 17 N and Oak Grove Rd)
SR 1145	Les Mills Rd.	Lee Mills Rd., Trenton (N of Hwy 41 W)
		Daughety's Ranch Rd (off Pine St)
SR 1307	Foy Drive	Becton Rd., (SW of Wyse Fork Rd)
	Gooding Drive	Nancy Gooding Lane (Off Wilcox Rd)
		A.L. Banks Lane (Off Hwy 58 N, Pollocksville.

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on January 6, 1997.


Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: 
Cora Davenport, Clerk
Board of County Commissioners

ORDINANCE # 34

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

<u>NC DOT</u> <u>ROAD NUMBER</u>	<u>PRESENT NAME:</u>	<u>OFFICIAL NAME</u>
_____	Dogwood Drive (N of Landfill Rd, Trenton)	Nettie Lane
_____	Creekside Rd. (Off Scott Farm Rd., New Bern)	Travers Lane
SR 1357	Bender-Burkot Rd. (Off Hwy 17, Pollocksville)	Sermon Lane
SR 1155	Two-Mile Rd. (SW of Burneytown Rd)	Fordham Rd.
_____	_____ (Off Magg Smith Rd.)	Manning Drive
_____	Smith Street (Off McDaniel Rd.)	Madison Lane
_____	Davis Lane (Off Oak Grove Rd)	Davis-Hill Lane
_____	_____ (Between Toodle & Jarman Off Hwy 41 E, Trenton)	Walter Lane
_____	Jones Lane (Off Hwy 41 E, Trenton)	Howard Heights Ln.
_____	_____ (Off Hwy 41 E, Trenton-A&T MHP)	Faith Lane
_____	_____ (Off Hwy 41 E, Trenton-A&T MHP)	Hope Lane
_____	_____ (Off Hwy 41 E, Trenton-A&T MHP)	Charity Lane

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on August 18, 1997.

Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: Cora Davenport
Cora Davenport, Clerk
Board of County Commissioners

ORDINANCE NO. 35

AN ORDINANCE GRANTING CABLE COMMUNICATIONS FRANCHISE TO TIME WARNER CABLE, A DIVISION OF TIME WARNER ENTERTAINMENT - ADVANCE/NEWHOUSE, A NEW YORK GENERAL PARTNERSHIP, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN JONES COUNTY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; AND PROVIDING FOR REGULATION AND USE OF THE SYSTEM.

WHEREAS, the public interest will be served by the granting of a non-exclusive franchise to TIME WARNER CABLE, A DIVISION OF TIME WARNER ENTERTAINMENT - ADVANCE/NEWHOUSE, A New York General Partnership, to erect, install, construct, reconstruct, maintain, operate, dismantle, test, repair, replace, retain, and use a Cable Communications System in, upon, along, across, above, over, under or in any manner connected with the streets, lanes, avenues, sidewalks, alleys, bridges, and highways, and other public places in Jones County as the same now or in the future may exist, for the purpose of transmission and distribution of Cable Services and other cable communications services the inhabitants of said County, and other purposes, for a period of fifteen (15) years, and regulating same.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF JONES COUNTY:

**SECTION I.
SHORT TITLE**

This ordinance shall be known and cited as the "Jones County Cable Communications Franchise Ordinance". Within this document it shall also be referred to as "this Franchise" or "the Franchise".

**SECTION II.
DEFINITIONS**

For purposes of this Franchise, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- A) "Basic Service" means that service tier which includes the retransmission of local television broadcast signals.
- B) "Cable Communications System" or "System" means a facility consisting of a set of closed transmission paths associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple subscribers within the County. Such term does not include:
 - 1) A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;
 - 2) A facility that serves only subscribers in one (1) or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way;
 - 3) A facility of a common carrier which is subject, in whole or in part, to the provisions of title II of the Communications Act of 1934 except that such facility shall be considered a cable system to the extent such facility is used in the retransmission of video programming directly to

subscribers; or

- 4) Any facilities of any electric utility used solely for operating its electric utility systems.
- C) "Cable Service" means (1) the one-way transmission to subscribers of video programming (i.e., programming provided by, or generally comparable to programming provided by, a television broadcast station) and (2) subscriber interaction, if any, which is required for the selection of such video programming.
- D) "County" shall mean the County of Jones, as the same now or in the future may exist.
- E) "FCC" means the Federal Communications Commissions or any successor thereto, having jurisdiction over cable television.
- F) "Force Majeure" means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or the State or any of their departments, agencies, political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, tornadoes, volcanic activity, storms, floods, washouts, droughts, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party.
- G) "Grantee" means Time Warner Cable, a Division of TIME WARNER ENTERTAINMENT - ADVANCE/NEWHOUSE, A New York General Partnership, its agents, lawful successors, transferees or assignees.
- H) "Gross Revenues" means all service fees, installation charges, and all other fees or charges collected from the provision of Cable Services to subscribers of the System. Gross Revenues shall not include (1) excise taxes; or (2) sales taxes or any other taxes or fees, including the franchise fee, which are imposed on the Grantee or any subscriber by any governmental unit and collected by the Grantee for such governmental unit.
- I) "Person" means any corporation, partnership, proprietorship or organization authorized to do business in the State or any natural person.
- J) "Public Property" means any real property other than a street owned by any governmental unit.
- K) "State" means the state of North Carolina
- L) "Street" means the surface of and the space above and below any street, road, highway, freeway, lane, path, way, alley, court, sidewalk, boulevard, parkway, drive, or any public easement or right-of-way now or hereafter held by the County which shall entitle Grantee to the use thereof for the purpose of installing or transmitting over poles, wires, cables, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a System.

SECTION III. GRANT OF AUTHORITY

For the purposes of constructing, operating and maintaining a System in the County, Grantee may erect, install, construct, repair, replace, relocate, reconstruct and retain in, on, over, under, upon, across and along the Streets, including over public rights-of-way and through easements, within the County such lines, cables, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, pedestals, attachments and other operating equipment as are necessary and pertinent to the operation of the System.

SECTION IV. COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

A) This Franchise is granted pursuant to the terms and conditions contained herein. Such terms and conditions shall be subordinate to all applicable provisions of state and federal laws, rules and regulations.

B) Grantee's rights are subject to the police powers of the County to adopt and enforce ordinances necessary to the health, safety and welfare of the public that are not otherwise inconsistent with the terms and conditions of this Franchise. Grantee shall comply all applicable general laws and ordinances enacted by the County pursuant to that power.

SECTION V. TERRITORIAL AREA INVOLVED

This Franchise is granted for the unincorporated areas of Craven County.

SECTION VI. FRANCHISE TERM

This Franchise shall commence upon the effective date of this Ordinance and shall expire fifteen (15) years thereafter unless renewed, revoked or terminated sooner as herein provided.

SECTION VII. FRANCHISE NON-EXCLUSIVE

The Franchise granted herein is non-exclusive. The County specifically reserves the right to grant, at any time, one or more additional franchises for a System in accordance with state and federal law, provided, however, no such future franchise shall be granted on terms more favorable or less burdensome than those contained herein. In the event a future franchise is granted on terms more favorable or less burdensome than those contained herein, then this Franchise shall be deemed amended as of the effective date of the future franchise to incorporate the more favorable or less burdensome term(s) or condition(s) herein.

SECTION VIII. WRITTEN NOTICE

All notices or demands required to be given under this Franchise shall be deemed to be given when delivered personally to the persons designated below or upon the date actually received as evidenced by registered or certified mail receipt addressed as follows:

If to the County: _____ Jones County Manager
P.O. Box 266 or
405 Hwy 58 South
Trenton, NC 28585

If to Grantee: Time Warner Cable
System Manager
265 Center Street
Jacksonville, NC 28546
and
Time Warner Cable
1949 Dawson Street
Wilmington, NC 28403

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

SECTION IX. REPAIR OF STREETS AND PROPERTY

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Any and all Streets or Public Property or private property which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly repaired by Grantee to a condition as good as that prevailing prior to Grantee's work.

SECTION X.
CONSTRUCTION AND USE OF FACILITIES

- A) Subject to the County's approval, the Grantee shall have the right to erect and maintain its own poles at locations as it may find necessary for the proper construction and maintenance of the Cable Communications System. Approval shall be procured by the Grantee from the proper County department providing for the erection of these poles.
- B) The Grantee's transmission and distribution system poles, wires, appurtenances, shall be located, erected, and maintained, so as not to endanger or interfere with the lives of persons or to interfere with any improvements the County may deem proper to make or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, sidewalks, or other public property. Removal or relocation of poles or equipment when necessary to avoid such interference shall be at the Grantee's expense.
- C) Construction and maintenance of the System shall be performed in an orderly and workmanlike manner. Grantee shall at all times comply with the National Electrical Safety Code and such applicable ordinances and regulations of the County affecting electrical and structural installations which may be presently in effect or changed by future ordinance.
- D) All installations of cable distribution facilities shall be of a permanent nature, durable, installed in accordance with good engineering practice, and of such sufficient height to comply with all existing County regulations, ordinances, and State laws, so as not to interfere with the right of the public or individual property owner and shall not interfere unduly with the travel and use of public places by the public during the construction, repair, or removal thereof, and shall not unduly obstruct or impede traffic.
- E) The Grantee shall maintain its System so that cables, wires, poles and other facilities shall conform to the pattern of the existing public utility cables, wires, poles and other facilities, subject to the right of the County to require relocation, either overhead or underground, of such cables, wires, poles and other facilities when the County determines that such relocation is necessary and in the public interest but not for arbitrary and capricious reasons. Any such relocation shall be at the Grantee's expense unless the utilities are compensated for such relocation in which case the Grantee shall be similarly compensated.
- F) The grantee shall maintain its System so that poles, and other structures of public utilities which are available shall be used to the extent practicable to minimize interference with travel. Before placing or setting new poles, the Grantee shall file notice of such intention with the County and specify the location, height, and dimensions, of the poles and notify affected residents whose property may be disturbed. The construction shall not be commenced until the specifications have been submitted to the appropriate County agency and the Grantee has received its written approval, which shall not be unreasonably withheld or delayed.
- G) Whenever by reason of the construction, repair, maintenance, relocation, widening, raising, lowering of the grade, or vacation of any street by the County or by the location or manner of construction, reconstruction, maintenance or repair of any public property, structure or facility by the County, or any public improvement, municipally owned or operated utility services or pursuant to any plan adopted by the County, or any public improvement, municipally owned or operated utility services or pursuant to any plan adopted by the County for rehabilitating any section of the County, it shall be deemed necessary by the County for the Grantee

to move, relocate, change, alter or modify any of its facilities or structures, such change, relocation, alteration or modification shall be promptly made by the Grantee. Any such relocation shall be at the Grantee's expense unless the utilities are compensated for such relocation in which case the Grantee shall be similarly compensated. In the event the Grantee, after such notice, fails or refuses to commence, pursue or complete such relocation work within a reasonable time, the County shall have the authority, but not the obligation, to remove or abate such structures of facilities and to require the Grantee to pay to the County the cost of such relocation, alteration, or modification. If the Grantee fails to complete in a timely manner, any relocation requested by the County and the County incurs any costs resulting from such delay, the Grantee shall be liable to the County for such costs.

- H) The Grantee shall upon request, of any person holding building moving permit or permit to move oversize loads issued by the County, temporarily raise or lower its wires to permit the moving of buildings or oversize loads. The expense of such temporary removal or raising or lowering of the wires shall be paid by the person requesting the same and Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary changes.
- I) The Grantee shall have the authority to trim trees upon and overhanging the streets of the County as to prevent the branches of such trees from coming in contact with the Grantee's wires and cables.

SECTION XI. LEGAL OBLIGATIONS

- A) The Grantee shall, at its sole cost and expense, indemnify, defend and hold harmless the County, its officers, boards, commissions, agents and employees, against and from any and all claims, demands, causes of actions, suits, proceedings, damages, liabilities and judgments of every kind arising out of or due to the Grantee's construction or operation of the System in the County, including but not limited to damages for injury or death or damages to property, real or personal, and against all liabilities to others and against all loss, cost and expense, resulting or arising out of any of the same.
- B) The Grantee shall, at the sole risk and expense of the Grantee, upon demand of the County made by and through the Law Director, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, or otherwise brought or instituted or had by third persons or duly constituted authorities, against or affecting the County, its officers, boards, commission, agents, or employees, arising out of or due to the Grantee's construction or operation of the System in the County.
- C) The Grantee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand, rendered made or issued, against the Grantee, the County, its officers, boards, commissions, agents or employees, for the foregoing; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder or otherwise.
- D) In order for the County to assert it's rights to be indemnified, defend and held harmless, the County must:
 - 1) Promptly notify Grantee of any claim or legal proceeding which gives rise to such right;
 - 2) Afford Grantee the opportunity to participate in and fully control any compromise, settlement, resolution or disposition of such claim or proceeding; and

- 3) Fully cooperate in the defense of such claim and make available to Grantee all such information under its control relating thereto.

SECTION XII.
COMPLIANCE WITH APPLICABLE LAWS

All work undertaken in connection with the construction, reconstruction, maintenance, operation or repair of the Grantee's System shall be subject to and governed by all present laws, rules and regulations of the County, the State and the United States of America, including the FCC and any other federal agency having jurisdiction.

SECTION XIII.
NOTICE OF RATE INCREASES

Prior to implementing any rate increase for Basic, Standard or Premium Service, Grantee shall give the following notice:

- A) At least thirty (30) days advance notice to the County and;
- B) At least (30) days advance notice to Subscribers.

SECTION XIV.
LIABILITY INSURANCE

- A) Grantee shall maintain, throughout the term of this Franchise, liability insurance insuring the County and the Grantee with regard to all damages mentioned in Section XI above in the following minimum amounts:
 - 1) One Million Dollars (\$1,000,000) for bodily injury or death to any one person;
 - 2) One Million Dollars (\$1,000,000) for bodily injury or death resulting from any one accident; and
 - 3) One Million Dollars (\$1,000,000) for all other types of liability.
- B) Upon request of the County, Grantee shall furnish to the County satisfactory evidence that an insurance policy has been obtained and is in full force and effect.

SECTION XV.
PERFORMANCE STANDARDS

- A) The Grantee shall construct, operate and maintain its System according to the specifications of the FCC.
- B) The Grantee's System shall be designed and rated for twenty-four (24) hour a day continuous operation.
- C) The Grantee shall at all times employ a reasonable standard of care to prevent failures or accidents which are likely to cause damages, injuries or nuisances to the public.
- D) The Grantee shall render efficient service, make repairs within a 48-hour business day cycle if access to the customer's house is available during that time period, and interrupt service only for good cause and for the shortest times possible. Insofar as possible, such interruptions shall be preceded by notice and shall occur during periods of minimum use of the System.
- E) The Grantee shall furnish, without installation charge and without monthly fees, Basic Service and one (1) outlet to each public school within the County and located within 150 feet of the System.
- F) The Grantee shall provide a parental control device capability for a reasonable charge, upon request, to any subscriber.

SECTION XVI.
SUBSCRIBER COMPLAINTS

- A) During the term of this Franchise, the Grantee shall maintain a local or toll-free telephone number for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, billing inquiries and similar matters. The Grantee shall provide trained personnel to receive and process telephone and in-person calls concerning service problems during normal business hours. Outside of normal business hours, the Grantee may provide an answering service or answering machine to receive telephone calls concerning service problems.
- B) As subscribers are connected or reconnected to the System, the Grantee shall, by appropriate means, such as a card or brochure, furnish information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number where such inquiries or complaints are to be addressed.
- C) When there have been similar complaints made, or where there exists other evidence, which in the judgment of the County casts doubt on the reliability or quality of the System, the County shall have the right and authority to require that the Grantee test, analyze, and report on the performance of the System. The Grantee shall fully cooperate with the County in performing such testing and shall prepare results and a report, if requested, within five (5) days notice. Such report shall include the following information:
- 1) The nature of the complaint or problem which precipitated the special tests.
 - 2) What System component was tested.
 - 3) The equipment used and procedures employed in testing.
 - 4) The method, if any, in which such complaint or problem was resolved.
 - 5) Any other information pertinent to said tests and analysis which may be required.
- D) The County may require that tests be monitored by a professional engineer selected by the County at the County's expense.

SECTION XVII.
TRANSFER OF ASSIGNMENT OF FRANCHISE

The rights granted herein shall not be transferred or assigned by the Grantee without written notice to the County. Such consent shall not be unreasonably withheld. No transfer or assignment shall become effective until the transferee or the assignee has filed with the County its written acceptance of the terms and conditions of this Franchise. Notwithstanding anything to the contrary, no such prior consent shall be required for a transfer or assignment to any person controlling, controlled by or under the same common control as the Grantee.

SECTION XVIII
FRANCHISE RENEWAL

This Franchise shall be renewed in accordance with applicable state and federal law.

SECTION XIX.
COUNTY'S RIGHT TO REVOKE

In addition to all other rights which County has pursuant to law or equity, the County reserves the right to revoke, terminate or cancel this Franchise and all rights and privileges pertaining thereto in the event that:

- A) Grantee violates any material provision of this Franchise; or
- B) Grantee practices any fraud upon the County; or
- C) Grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt or a receiver is appointed to it.

SECTION XX. REVOCATION PROCEDURES

- A) The County shall notify the Grantee of its intention to revoke, terminate or cancel this Franchise. The written notice shall describe in reasonable detail the specific violation so as to afford Grantee an opportunity to remedy the violation.
- B) Grantee shall have ninety (90) days subsequent to receipt of the notice in which to correct the violation before the County may formally revoke, terminate or cancel this Franchise. Grantee may, within thirty (30) days of receipt of the notice, notify the County that there is a dispute as to whether a violation has, in fact, occurred. Such notice by Grantee to the County shall stay the sixty (60) day period described above.
- C) The County shall hear Grantee's dispute and shall determine whether a default or violation by Grantee has occurred. In the event the County shall determine that a default or violation has occurred the County shall supplement the decision with written findings of fact.
- D) If after hearing the dispute, Grantee has been found to be in default, Grantee shall then have sixty (60) days from such a determination to remedy the violation or failure. At any time after that sixty (60) day period the County may, by formal action at a public hearing affording reasonable notice and opportunity for Grantee to be heard, revoke, terminate or cancel this Franchise.

SECTION XXI REMOVAL UPON REVOCATION

Upon the revocation of this Franchise as herein provided, Grantee shall remove all of its attachments and wires from poles used as authorized herein.

SECTION XXII FORCE MAJEURE

If by reason of a Force Majeure any party is unable in whole or in part to carry out its obligations hereunder, that party shall not be deemed to be in violation or default during the continuance of such inability.

SECTION XXIII MAPS

Upon request of the County, Grantee shall maintain on file with the County a true and accurate map or set of maps showing all System equipment installed and in place in Streets and other public places.

SECTION XXIV SERVICE AREA

- A) Residents in those areas with an average density of twenty-five (25) homes per mile, as measured from the nearest point of usable trunk, shall be provided service upon payment of the standard installation charge and applicable monthly fees; except that installations requiring underground drops or aerial drops in excess of one hundred and fifty (150) feet shall be considered a non-standard installation to be charged to the subscriber at Grantee's actual cost of installation.

- B) Service to homes not meeting those density requirements of paragraph (A) above shall be provided on a time plus material basis.

SECTION XXV
UNAUTHORIZED CONNECTIONS OR MODIFICATIONS

- A) It shall be unlawful for any Person, without the expressed consent of the Grantee to make any connection, extension, or division whether physically, acoustically, inductively, electronically or otherwise with or to any segment of the System for any purpose whatsoever.
- B) It shall be unlawful for any Person to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the System for any purpose whatsoever.
- C) It shall be unlawful for any Person to construct, operate or maintain a System without having first applied for and received a franchise from the County.
- D) Any Person convicted of a violation of this Section shall be subject to the penalty provisions of the County which penalty provision are incorporated herein by reference.

SECTION XXVI
FRANCHISE FEE PAYMENTS

Subject to applicable law, the Grantee shall pay to the County 3 Percent (%) of the annual Gross Revenues. The franchise fee shall be due and payable March 1 of each year for the previous calendar year. During the term of this agreement the Jones County Board of Commissioners reserves the right to adjust the percentage rate up to that legally allowed by law, upon passage of an ordinance including and stating the franchise fee rate and upon proper notification to the Grantee. The County shall have the right to audit, at reasonable times and places, the books and financial records of the Grantee to verify franchise fee payments.

SECTION XXVII
SEVERABILITY

If any term, condition or Section of this Franchise or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or Section to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, conditions and Sections hereof shall, in all other respects, continue to be effective and to be complied with.

SECTION XXVIII
PASSAGE AND EFFECTIVE DATE

This Franchise, having been published as required, shall take effect and be in force from and after thirty (30) days following its final passage and approval.

Passed and adopted this 6th day of October, 1997.

ATTEST:

BY: Cora Davenport
Cora Davenport
Its Clerk

BY: Nolan B. Jones
Nolan B. Jones
Its Chairman

TIME WARNER CABLE, A DIVISION OF TIME WARNER ENTERTAINMENT -
ADVANCE/NEWHOUSE, A New York General Partnership.

BY:

Its

Per Commissioners Minutes February 16, 1998

ORDINANCE # 36

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

NC DOT#	CURRENT NAME	PROPOSED NAME	POST OFFICE	PRECINCT
_____	_____	STRAYHORN LANE (Off Second Avenue)	Trenton	Trenton
_____	_____	RIVER BLUFFS RD. (Off Spann Rd)	Trenton	Trenton
_____	_____	HIDE-A-WAY LANE (Off Mayfield Rd.)	Trenton	Trenton
_____	_____	WILLIS AVE. (Off SR 1002)	Trenton	Trenton
_____	_____	RYAN LANE (Off Silo Rd.)	Kinston	Beaver Cr
_____	_____	SKIPPERS RD. (Off Scott Farm Rd)	New Bern	Pollocksville
_____	_____	MANDYS LANE (Off Scott Farm Rd)	New Bern	Pollocksville

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on February 16, 1998.


 Nolan B. Jones, Chairman
 Board of County Commissioners

ATTEST: 
 Cora Davenport, Clerk
 Board of County Commissioners

Per Commissioners Minutes October 19, 1998

ORDINANCE # 37

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

NC DOT#	CURRENT NAME	PROPOSED NAME	POST OFFICE	PRECINCT
_____	_____	ERVIN LANE (Off Ten Mile Fork Rd near Davenport Store Pond)	Trenton	Trenton
_____	_____	ELISHA COURT (Off Strayhorn Lane-Haiti)	Trenton	Trenton
_____	_____	HARRY BROWN RD (Off Nettie Lane)	Trenton	Trenton
_____	_____	DILLON DRIVE (Off Middle Rd near Cobb)	Kinston	Beaver Creek
_____	_____	EAST RIVER FRONT DRIVE (Simmons Bluff) (Off Oak Grove Rd)	Pollocksville	Pollocksville
_____	_____	SHADY LANE (Going into Rivertides off Hwy 17)	Pollocksville	Pollocksville
_____	_____	O'PHARROW DRIVE (Off Hwy 58 S)	Pollocksville	Pollocksville
_____	LEWIS LANE	WHITE LANE (S of Hwy 41 West near Taylor's Corner)	Tuckahoe	Tuckahoe
_____	_____	BRUCE-ANTHONY RD S of Hwy 41 West near Taylor's Corner	Tuckahoe	Tuckahoe

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on October 19, 1998.


Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: 
Cora Davenport, Clerk
Board of County Commissioners

County Ordinance to Implement Land Records Modernization Program

Section 1. This ordinance is adopted pursuant to N. C. General Statute 161-30.

Section 2. The Register of Deeds shall not accept for registration any deed, deed of trust, map or plat, or any other instrument containing a description of the real property affected by the instrument unless the parcel identifier numbers of all parcels affected have been assigned and written on the instrument by the county Land Records Office in accordance with the county procedures manual for creating and assigning parcel identifier numbers.

Section 3. The Land Records Office shall have exclusive authority to create and assign parcel identifier numbers and shall maintain a procedures manual for that purpose. The procedures manual shall include provisions to insure that no two parcels of property will be assigned the same parcel identifier numbers.

Section 4. Every map (including a map incorporated by reference in a deed), subdivision plat, or land survey plot that creates or more fully defines none or more parcels of land must have a parcel identifier number written on it before it can be registered. This requirement shall not apply to flood plain maps, annexation and municipal boundary maps, and similar maps prepared by governmental agencies.

Section 5. All instruments pertaining to the same parcel or to related parcels shall be assigned parcel identifier numbers and processed strictly according to the date and time when they were presented to the Land Records Office.

Section 6. (a) Any deed, deed of trust, map plat, or other instrument that contains a description of a parcel or parcels not previously plotted on the county large-scale cadastral maps and for which a parcel identifier number does not exist must contain a description of the parcel or parcels of sufficient accuracy and detail that the Land Records Office is able to locate and plot the parcel or parcels on the county maps from the description standing alone, or with the aid of supporting maps or other documents furnished by the person presenting the instrument.

(b) The description contained in any map or plat that is to be registered and that creates or more fully defines a parcel or parcels not previously plotted on the county large-scale cadastral maps and for which a parcel identifier number does not exist must be sufficiently precise to create a consistent closed parcel boundary within a plotting accuracy of 1/40 (one-fortieth) of an inch.

Section 7. This ordinance shall become effective **January 1, 1999**.

Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST:


Cora Davenport, Clerk
Board of County Commissioners

Per Commissioners Minutes January 19, 1999

Ordinance # 39

**AN ORDINANCE REQUIRING THAT ANY CONVEYANCE OF REAL
PROPERTY (OTHER THAN A DEED OF TRUST OR MORTGAGE) BE
PRESENTED TO THE JONES COUNTY TAX ASSESSOR OR HIS DESIGNEES
PRIOR TO RECORDING**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF JONES
COUNTY AS FOLLOWS:**

Section 1. Ordinance #38 that was approved on December 7, 1998, is hereby repealed.

Section 2. Pursuant to the authority contained in N.C.G.S. 105-303 (a) (2), the Register of Deeds of Jones County shall not accept for recording any conveyance (other than a deed of trust or mortgage) unless it has been presented to the Jones County Tax Assessor or his designees and the Jones County Tax Assessor or his designees has noted thereto that he has obtained the information he desires from the conveyance and from the person recording it.

Section 3. This ordinance shall be in full force and effect on this day of adoption, January 19, 1999.

Adopted this 19th day of January, 1999.

COUNTY OF JONES

By: 

Chairman of the Board of
Commissioners of Jones County

ATTEST: 

Clerk to the Board of Commissioners
of Jones County

Per Commissioners Minutes April 19, 1999

ORDINANCE # 40

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

NC DOT#	CURRENT NAME	PROPOSED NAME	POST OFFICE	PRECINCT
_____	_____	Carter Lane (Off Wyse Fork Rd near Harper Store)	Trenton	Trenton
_____	_____	Christian Lane (Off Middle Road near Cobb Road)	Trenton	Beaver Creek

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on April 19, 1999.

Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: Cora Davenport
Cora Davenport, Clerk
Board of County Commissioners

Per Commissioners Minutes March 20, 2000

ORDINANCE # 41

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

<u>NC DOT#</u>	<u>Current Name</u>	<u>Proposed Name</u>	<u>Post Office</u>
_____	Bruce Anthony Rd.	Poley Branch Rd. (S of Hwy 41 near Taylors Corner)	Trenton
_____		Garrett Drive (Off Poley Branch Rd)	Trenton
_____		Tyler Lane (Off Garrett Dr)	Trenton
SR 1121 Ext.	Oliver's Crossroads	Oliver's Crossroads Ext. (Past SR 1119)	Pollocksville
_____		Elizabeth Lane (Off Hwy 17)	Pollocksville
_____		Simmons Bluff Rd. (Off Oak Grove Rd.)	Pollocksville
_____		Plantation Street (Off Simmons Bluff Rd)	Pollocksville
_____		Riverfront Drive (Off Simmons Bluff Rd)	Pollocksville
_____		Rivers Edge Rd (Off Emmett Lane)	Maysville

Cora Davenport
Cora Davenport, Clerk
Board of County Commissioners

Horace B. Phillips
Horace B. Phillips, Chairman
Board of County Commissioners

JONES COUNTY ADDRESSING AND ROAD NAMING ORDINANCE

ARTICLE I

Introductory Provisions

1.01 Purpose

The Purpose and intent of this ordinance is to provide a uniform system of addresses for all properties and buildings throughout the County's jurisdiction in order to facilitate adequate public safety and decrease emergency response time and to minimize difficulty in locating properties and buildings for public service agencies and the public.

1.02 Enactment and Authority

There is here-by established and adopted a detailed, permanent, uniform, addressing system, pursuant to authority of Chapter 62-A of the General Statutes of North Carolina. In addition, Chapter 153A, Article 12 of the General Statutes of North Carolina, empowers the county to name roads.

1 03 Short Title

This ordinance shall be known as the "Addressing and Road Naming Ordinance of Jones County, North Carolina," and may be referred to as "Addressing Ordinance," and the map referred to is identified by the title "Official Road Name and Structure Numbering Map, Jones County, North Carolina," and may be known as the "Addressing Map."

1.04 Territorial Jurisdiction

The Road Naming and Addressing Policies set forth in this ordinance shall be applicable for all of the unincorporated areas of the county and incorporated areas herein the governing body has adopted a resolution adopting this ordinance.

1.05 Adoption by Incorporated Areas

Any incorporated municipality within the county that is being provided radio communications services by the county's 911 Public Service Answering Point (Sheriff's Office), is requested to adopt a resolution permitting this ordinance to be applicable within said municipality.

ARTICLE II

Addressing Map

2.01 Official Road Name and Structure Numbering Map

The addressing map shall be entitled, "Official Road Name and Structure Numbering Map, Jones County, North Carolina". The effective date of said map shall be the date that said mapping and addressing is accepted from the contractor by the county upon completion of the contract for all of the mapping, addressing, and data base development by the E 911 Addressing Contractor. Said map shall hereby be adopted as the Official Road Name and Structure Numbering Map of Jones County. All county addresses assigned shall be assigned in accordance with the specifications of this ordinance and with this map in the office of the E911 Addressing Administrator.

2.02 Maintenance and Storage

The Addressing Map shall be kept on file in the office of the E911 Addressing Administrator. This map may be maintained and updated in data processing storage Systems.

ARTICLE III

3.01 Uniformity of the System

All roads that are officially designated on the Addressing Map whether public or private, shall be addressed uniformly and consecutively along the roadway centerline. Numbers shall be assigned to structures along the entirety of all named thoroughfares.

3.02 Road Naming and Numbering Criteria

All roads, both public and private, shall be named, have road name signs installed, and all structures shall be numbered if two or more addressable structures including mobile homes or mobile home hookups are found. Structures to be addressed will include every addressable structure such as but not limited to: a residence, a mobile home, a mobile home hook-up, a business, a barn or livestock building suitable for storage or public telephone.

3.03 Numbering Method

A set of numbers consisting of a three, four, or five digit natural number-called a structure number shall be assigned at intervals of 21.12 feet along a roadway centerline. Odd structure numbers shall be assigned to the left side of the road by ascending numbers moving away from the point of origin on the thoroughfare. Even structure numbers shall be assigned to the right side of the road in a like manner.

3.04 Dead-end Road

All dead-end roads and cul-de-sacs shall begin with ascending numbers at the open end, that being the end connecting to another road.

3.05 Numbers Begin with 100, 200, 300, etc.

The first potentially assignable structure number (in the first 21.12 feet) on a given road shall be the number 100, 101, 102, etc., or the number currently assigned by a municipal numbering system if practicable.

ARTICLE IV

The Addressing System

4.01 Method of Assigning a Number

Generally, the origin point for numbering in the County will be the County Courthouse. The incorporated towns of Maysville, Pollocksville, and Trenton along the thoroughfares will serve as points of origin for the streets and roads within their municipal boundaries. When the thoroughfare enters a municipality the numbering system may continue consecutively with the municipality street name replacing the highway name. Existing municipal address will be used when a municipality has a maintainable addressing system in place that conforms to this ordinance and postal regulations.

Where two postal centers (towns) deliver mail on the same road, one set of numbers running consecutively would be used. Addressing would start at the end of the road, street, lane, etc., that is near the point of origin with odd numbers on left and even numbers on right, ascending to the next intersection or end of block range. Twenty five odd and twenty five even numbers would be issued for every 1/10 of mile; example 100, 104, or 106. This would leave room for growth by using 102-106 in this system. Potentially there could be a number every 21.12 feet along either side of a thoroughfare.

4.02 Corner Lots

Structures on corner lots shall be assigned a structure number either from the road, which intersects the addressable driveway to that structure, or from the road in which the main access or entrance to the structure is oriented. The number will be assigned using the method in section 4.01 above and will be assigned in the manner, which is most logical.

4.03 Road Name of Address

The road name for an address shall be the name of the road from which the structure is numbered.

4.04 Requirements for Road Naming and Numbering

If development of a private road meets or exceeds the minimum structure regulations provided in this Ordinance and has or expects to have 2 or more addressable structures, said road shall be named and numbered and structures addressed or re-addressed according to the requirements herein.

4.05 Duplex and Multi-Family Dwellings

One structure number shall be assigned to each structure whose units share a common roof. Each unit within the structure shall be assigned a unit designator. Allowed unit designators include apartment numbers for apartments and numbers for commercial buildings. The unit designator shall be a number, and shall not include alphabetic characters, except as stated in section 4.06 of this ordinance.

4.06 Assigning of Unit Designators

Residential unit designators shall be as follows: ground level floor numbers- #101, #102, #103... second floor numbers-#201, #202, #203 ... etc. All floor levels are to follow this scheme. Underground floor designators shall follow the same scheme with the exception of having a "U" for a prefix, for example #U101, #U102... etc. This section specifically applies to multi-family dwellings.

4.07 Mobile Homes

Manufactured housing, mobile homes, or mobile home hook-up sites shall be assigned individual street addresses according to the requirements herein, whether they are located on individual lots or in developed parks.

4.08 Recreational or Resort Communities

Resort communities or recreational developments that have established sites with structures or electrical power hookups shall be assigned individual- street addresses in accordance with the requirements herein.

ARTICLE V

Posting Requirements for Structures

5.01 Time Constraints

Within 90 days after written notification of the assignment of or change of a structure number, the owner of said structure shall post the assigned structure number in compliance with the requirements herein.

5.02 Number Specifications

All structure numbers shall be constructed of a durable material. The color shall contrast with the color scheme of the structure, and if mounted on glass, shall contrast with the background and be clearly visible,

The minimum number size for residential structures or units shall be four (4) inches in height. The minimum size for all other structure numbers shall be six (6) inches in height. In all cases, a number larger than the minimum size may be required where the minimum size does not provide adequate identification.

5.03 Posting Locations

All numerical identifications must be easily identifiable without obstruction of view.

Any dwelling or business located at more than 100 feet from the roadway and/or not clearly visible shall be required to have numerical posting at both the entrance or driveway and located in close proximity to the front door or entrance way.

The post height of 3 feet above ground will be required for all entrances or private drives that require numerical posting. The post shall be a minimum of 4" x 4" and be treated to prevent decay. A mailbox will be suitable, as long as it is placed at the entranceway to the property and have numbers meeting the requirements of this ordinance.

5.04 Maintenance of Structure Numbers

Following the posting of the assigned number as required herein, the owner shall maintain the structure number at all times in compliance with the requirements of this article. Structure numbers and unit designators, as viewed from the road, shall not be obstructed from view.

ARTICLE VI

Road Naming

6.01 Approval of Private Road Names

The E-9-I-I Addressing Administrator shall have authority to approve private road names. Public road names shall be named by the Jones County Board of Commissioners in accordance with North Carolina G.S. 65-153A. The E911 Addressing Administrator shall coordinate the naming of all streets within the incorporated areas of the county with the Municipality and shall approve or disapprove private street names in accordance with this ordinance.

6.02 Naming Private Roads

The Addressing Contractor or the E911 Addressing Administrator, when an unnamed private road is detected, will assign a temporary numerical designator to the road. The E911 Addressing Administrator will then mail a road naming petition to the predominant property owner and a notice of this action to adjoining property owners. The notice will identify the road section to be named, a suggested name if practicable, allow 14 days for the return of the petition with at minimum of seventy-five percent (75%) of the named property owners agreeing to the name or a substitute name. If no name or petition is received by the E911 Addressing Administrator within the allotted time, the E9-I-I Addressing Administrator will name the road and send notice of the new name to property owners listed on the original petition. The E 911 Addressing Administrator must approve substitute names or name private roads in accordance with this ordinance.

6.03 New Road Names

New road names that relate to the history, location, or name of a project area, shall be given consideration.

6.04 Desirable Names

Road names that are pleasant sounding, appropriate, easy to read, and add pride to home ownership, shall be promoted.

6.05 Deceptively Similar Names or Undesirable Names

The E 9-1-1 Addressing Administrator shall maintain a database of existing road names, so that duplicate or "deceptively similar" road names are neither approved nor assigned. The following kinds of names shall be avoided: numerical, alphabetical, similar in nature, and complicated names. The E 9-1-1 Addressing Administrator is hereby given authority to refuse to accept any road name, which in his opinion violates the spirit or the provisions of this article.

6.06 Suffixes

The following road name suffixes are allowed: Avenue (AVE), Boulevard (BLVD), Circle (CIR), Court (CT), Drive (DR), Highway (HWY), Lane (LN), Loop (LP), Parkway (PKWY), Place (PL), Road (RD), Street (ST), Trail (TRL), and Way.

Private roads with one (1) entrance point shall be assigned the suffixes Trail,

Lane or Way. All other suffixes shall be reserved for public roads.

6.07 Road Segments

Each road shall bear the same name and uniform numbering along the entirety of the road. Segments of roads shall not be allowed to have different or separate names. The E911 Addressing Administrator shall determine what constitutes a road or way.

6.08 Offset Intersections and Split Routes

Split routes, also known as "dog-leg" of offset intersections, shall be treated as separate roads with different names and numbering to preserve the integrity and continuity of the numbering system.

6.09 Impasses

Impasses or sections of a road that are impassable shall be assigned different names and numbering to each portion of the road on either side of the impasse to preserve the integrity and continuity of the numbering system.

ARTICLE VII

Road Name Signs and Standards

7.01 Installation and Maintenance

All public and private road name signs that are outside of municipal jurisdictions and required by the ordinance shall be installed and maintained by the sign maintenance contractor and coordinated with the E911 Addressing Administrator. The municipality will maintain all public and private road name signs required by the ordinance within a municipality's jurisdiction.

7.02 Sign Standards

Road name signs shall meet the following standards:

- (a) All road name sign blades shall be a minimum six-inch vertical dimension sign with a minimum of four-inch letters.
- (b) Road name signs or "blades" shall be made of a reflective green sheeting with the road name in reflective silver letters on both sides.
- (c) All road name sign locations will be mapped by the county.
- (d) Staff of the various Water Department, Sheriff's Department, and EMS will notify the E 911 Addressing Administrator when signs are down or in need of maintenance. The E911 Addressing Administrator will order replacements for signs that have been destroyed. The E911 Addressing Administrator will notify the sign maintenance contractor when the replacements have arrived for installation or maintenance.

ARTICLE VIII

Administration

8.01 Ordinance Administrator Shall be the E 911 Addressing and Database Administrator.

8.02 Applications and Petitions (See Article IX Section 9.5)

8.03 Certificate of Occupancy

Final approval for a Certificate of Occupancy of any structure or building erected or repaired after the effective date of this ordinance and the delivery of the "Address Numbering Map" by the contractor shall be withheld until permanent and proper structure numbers have been posted in accordance with the requirements herein.

8.04 Fees

Fees and charges provided in the Jones county Addressing Ordinance for the filing of petitions, applications, the cost of hearings, variances and maps shall be paid by the applicant under this ordinance at the time of application.

8.05 Reason for Denial

If approval is denied, the E 9-1-1 Addressing Administrator, shall provide an "in-kind" statement in writing of his reasons for non-approval of a particular action (petition, variance, application, etc.).

ARTICLE IX

Amendments

9.01 General

The Board of County Commissioners may, from time to time, on its own motion or on petition, after public notice and a hearing, as provided by this ordinance, amend, supplement, change, modify, or repeal the addressing regulations and assignments. No action shall be taken until the proposal has been submitted to the E 911 Addressing Administrator for review and recommendations. If no report has been received from the E 911 Addressing Administrator within forty-five (45) days after submission of the proposal, the Board of County Commissioners may proceed as though a favorable report has been received.

9.02 Public Notification Requirements

Before adopting or amending this ordinance, the Board of County Commissioners shall conduct a public hearing on the proposal. A notice of the public hearing shall be advertised once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days or more than twenty-five (25) days before the appointed date of the meeting.

9.03 Letter of Notification

Whenever there is a proposal for a change in the addressing system involving any portion of an address, the land owner of that parcel's address as shown on the county tax listing and the land owners of all the parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed change in the addressing system. The E 911 Addressing Administrator shall mail the notice by first class mail to the last address listed of the landowners according to the county account file within the County Tax Office. The E 911 Addressing Administrator shall provide written notification to the Board of Commissioners attesting to the fulfillment of this task.

9.04 Protesting a Petition or Proposal of Amendment

No protest against any change in, or amendment to, the addressing ordinance, regulations, proposals, or the addressing system, shall be valid or effective unless it is in the form of a written petition. The petition shall bear the names and signatures of the opposing property owners and shall affirm and state the nature of protest to the proposal.

9.05 Application for Amendment

Applications for an amendment to the addressing ordinance shall be filed with the E 911 Addressing Administrator at least ten (10) days prior to the date on which it is to be heard by the Board of Commissioners. The E 911 Addressing Administrator shall be responsible for presenting the application to the Board of County Commissioners. Each application shall be signed, be in a duplicated form, and shall contain the following:

(a) The applicant's name and address in full.

(b) In the case of a text amendment, it shall set forth the new text to be added and the existing text to be deleted and any other text changes that will have to be made as a result of the effect on the remaining articles, sections, definitions, diagrams or attachments.

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- (c) If the proposed amendment will change the Addressing Map a copy of the Addressing Map shall be marked to indicate the impact of the proposed amendment to the existing map and shall be presented with the application for amendment.

All proposed amendments to the addressing ordinance should be submitted to the E 911 Addressing Administrator for review and recommendation. The E 911 Addressing Administrator shall have forty-five (45) days to submit its report to the County Board of Commissioners. If the E 911 Addressing Administrator fails to submit its report within the above period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the Board of County Commissioners before the adoption of any proposed amendments to the addressing ordinance. When the Board of County Commissioners shall have denied any application for the change of a portion or matter of the addressing ordinance, it shall not thereafter accept any other application for the same change involving that portion or matter of the ordinance until the expiration of six (6) months from the date of such previous denial.

Before any action shall be taken on an amendment request, the party or parties proposing or recommending said amendment shall deposit the required fee with the E 911 Addressing Administrator at the time the petition is filed to cover publication and other miscellaneous cost for said change. Under no condition shall said fee or any part thereof be refunded for failure of said amendment to be adopted. However, in the event an application is withdrawn prior to the time it is ordered advertised for hearing by the E 911 Addressing Administrator, three-fourths (3/4) of the fee shall be refunded.

ARTICLE X

Schedule of Fees

- (a) Petition to change a road name must include a \$50.00 per sign blade to cover cost of replacing signs in addition to \$100.00 to advertise public hearings. If the County Commissioners do not approve the request, only the sign cost will be refunded.
- (b) The fee for replacing signs damaged by accident or negligence shall be \$50.00 per sign blade and \$25.00 per signpost.

ARTICLE XI

Legal Status Provisions

It shall be unlawful for any person to use or display a different address or portion thereof except as provided by this ordinance or the "Official Road Name and Structure Numbering Map, Jones County, North Carolina."

It shall be unlawful for any person to name or designate the name of any private road, street, drive, cart way, easement, right-of-way, access area or any other thoroughfare, except as provided by this ordinance.

It shall be unlawful for any person to establish or erect any road sign that does not comply with the standards set forth in this ordinance.

It shall be unlawful for any person to intentionally destroy, mar, or deface any county road name sign.

ARTICLE XII

Violations and Enforcement

12.01 Posting Structure Numbers

Violation of this ordinance is a misdemeanor as provided by N. C. General

Statute 14-4 and may be punished as provided therein.

Civil penalties may be imposed in accordance with the following procedure:

- (a) Initial notification of violation, in writing by first class mail return receipt, to last known address of the person to be notified.
- (b) If not corrected within ten days, a warning citation may be issued.
- (c) If not corrected within seven days of issuance of a warning citation, a second citation including a fine of \$50.00 may be issued.
- (d) Each day the violation continues shall constitute a separate violation of this ordinance.

12.02 Notification of Violation

Shall:

- (a) be issued by the Addressing Administrator or his designee
- (b) be in writing, certified mail notice directed to the name and address of the owner of the structure, and,
- (c) must set forth the action necessary for the offender to be in compliance with this ordinance.

12.03 Road Name Signs

Violation of Article XI of this ordinance shall be punishable by maximum fines of up to \$50.00 for each violation.

12.04 Legal Prosecution

Nothing herein contained shall prevent the County of Jones from taking other such lawful actions as is necessary to prevent or remedy any violation.

ARTICLE XIII

Appeals and Requests for Variances

13.01 Variances and Exceptions

The County Board of Commissioners may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in a unnecessary hardship. In granting a variance, the Board of Commissioners may prescribe appropriate solutions as it deems necessary to preserve the intent of this ordinance. In granting a variance of exception to this Ordinance the Board of Commissioners must determine the following:

- (a) Special conditions and circumstance exist which are peculiar to the road naming or addressing involved and which are not applicable to other roads, or addresses.
- (b) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other citizens.
- (c) Special conditions and circumstances do not result from the actions of the applicants; and
- (d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other citizens.

13.02 First Appeal or Request for Variance

- (a) be in writing, directed to the ordinance administrator
- (b) be dated and describe the reasons for the appeal
- (c) appeals shall clearly state that all property owners along said road are aware that any road name sign posting variance may hinder emergency response personnel in their efforts to locate a particular address, and,

- 220
- (d) Contain the signatures of seventy-five (75%) of the property owners along said road.

13.03 Second Appeal

- (a) be in writing, directed to the Board of Commissioners

ARTICLE XIV

Definitions of Specific Terms or Words

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows or as indicated by United States Postal Regulations and the National Emergency Number Association Definitions.

Avenue	(AVE) a major road that runs generally in an east/west direction.
Boulevard	(BLVD) an unusually wide street typically in residential areas; often with central, dividing median.
Circle	(CIR) a short road that begins and then returns to the same road.
Court	(CT) a dead end right-of-way often ending as a culdesac.
Drive	(DR) a curving secondary road.
Highways	(HWY) a designated state or federal highway.
Interstate	(I - #) a thoroughfare of the highest order and federally designated as an Interstate.
Lane	(LN) a short private road that branches off of another road and ends or connects to another secondary road
Loop	(LP) a short road that starts and ends on the same street or road.
Ordinance Administrator	The Jones County E 9-1-1 Addressing Administrator or such other county official as may be designated by the County Commissioners.
Parkway	(PKWY) a special scenic route or park drive.
Place	(PL) a cul-de-sac or permanent dead end road.
Private Road	Any road which is not maintained by a governmental entity or agency through the use of public funds. Road name suffixes for private roads include: Trail, Lane and Way.
Public Road	Any road which is maintained by a governmental entity or agency through the use of public funds.
Radio Communications Services	Includes any radio communications, transmissions, dispatching or future Enhanced 911 communications that may involve police, emergency, fire, or rescue operations, but are not limited to these aforesaid operations.
Road	(RD) a well-traveled secondary road often connecting with a U.S. or state primary highway.
Sign Maintenance Contractor	The individual(s) contracted by the County to install and maintain all public and private road signs that are regulated by this ordinance.
Street	(ST) a street that runs through a subdivision or neighborhood.
Street address	a unique identifier for each addressable structure within the County. The minimum adequate street address shall be defined as the assigned structure number and the officially adopted road name. Where required by this ordinance, the street address shall also include the assigned unit designator.

Structure	Any building, whether residential including mobile homes and mobile home hook-ups, commercial, industrial, or institutional in nature and use, or public telephone, bridge, railroad crossing, and communications towers.
Structure number	The numerical portion of the street address, as assigned by the Planning Director or his designee, in accordance with the Office Road Name and Structure Numbering Map of Jones County, N.C.
Thoroughfare	A general all inclusive term for: roads-public or private, street, drive, cart way, easement, right-of-way, or any other word or words that means a way of access.
Trail	(Trl) a local, private road that serves as a connector for larger roads.
Unit designator	The portion of the street address used to distinguish individual units within the same structure.
Way	(Way) a minor private road that begins and ends on the same road.

ARTICLE XV

Closing Provisions

15.01 Conflict with Other Laws

All other ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Where the provisions of this ordinance are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

15.02 Severability

Should any section, subsection, sentence, clause, phrase provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that so declared to be unconstitutional or invalid.

15.03 Limitation of Liability

The County, directors, officers and agents, are not liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission of any of its employees, directors, officers, or agents except for will ful or wanton misconduct, in connection with developing, adoption, implementing, maintaining, or operating any 911 system.

ARTICLE XVI

Effective Date

This ordinance shall take effect and be in force from and after its adoption.

Duly adopted by the Board of County Commissioners, Jones County, North Carolina, this the 16th day of October, 2000.

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SUBDIVISION ORDINANCE

ARTICLE I

INTRODUCTORY PROVISIONS

Section 101 - Effective Date

This Ordinance shall take effect and shall be in force from and after July 1, 2001.

Section 102 - Title

This ordinance shall be known and may be cited as the Jones County Subdivision Regulations, and may be referred to as the Subdivision Regulations.

Section 103 - Authority

This Ordinance is adopted under the authority of Chapter 153A-330 through 335A and Session Law 1999-125, House Bill 437, of the General Statutes of North Carolina.

Section 104 - Purpose

The purpose of this Ordinance is to support and guide the proper subdivision of land within the jurisdiction of Jones County in order to promote the public health, safety and general welfare of the citizens of Jones County. The Ordinance is designed to promote the orderly development of the County of Jones; the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways with other public facilities; the dedication or reservation of right-of-way or easements for street and utility purposes; and the distribution of population and traffic, in a manner that will avoid congestion and overcrowding and which will create conditions essential to public health, safety and general welfare. This Ordinance is designed to facilitate adequate provision of water, sewage, parks, schools and playgrounds, and to facilitate the further resubdivision of large tracts into smaller parcels of land.

Section 105 - Jurisdiction

On and after the effective date of this Ordinance, these regulations shall govern subdivisions of land within the territorial jurisdiction of Jones County except those lands lying within the subdivision jurisdiction of any municipality.

This ordinance may also regulate subdivision activity within the jurisdiction of any municipality whose governing body agrees, by resolution, to such applicability. Unless otherwise specified in the resolution, the withdrawing party must provide written notice to Jones County two (2) years in advance of the withdrawal, as provided by N.C.G.S. 160A-360(g).

Section 106 - Definition of Subdivision

A subdivision shall include all divisions of a tract or parcel of land into five (5) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all division of land involving the dedication of a new street or change in existing streets, however, the following is not included within this definition and is not subject to the regulations prescribed by this ordinance:

- A. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as required in this ordinance;
- B. The division of land into parcels greater than five (5) acres if no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for widening or opening streets;
- D. The division of a tract in single ownership, the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved

and if the resultant lots are equal to or exceed the standards contained in this ordinance.

Section 107 - Severability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 108 - Amendments

The County Board of Commissioners may from time-to-time amend the terms of this Ordinance but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Jones County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) and twenty-five (25) day periods, the date of publication is not to be counted, but the date of the hearing is.

ARTICLE II

OPERATION OF SUBDIVISION REGULATIONS

Section 201 - Plat Submission, Approval and Recordation

After the effective date of this Ordinance, a final plat shall be prepared, approved and recorded as provided in this Ordinance whenever any subdivision of land takes place in Jones County.

Section 202 - Prerequisite to Plat Recordation

The Register of Deeds shall not file or record a plat of a subdivision of land within the territorial jurisdiction of Jones County that has not been approved in accordance with these regulations, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section. The Jones County Review Officer shall be included in the review process.

Section 203 - Prerequisite to Issuance of Permits

No street shall be recommended for acceptance for maintenance by the State nor shall any building permit be issued for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been met.

Section 204 - Compliance With Land Use Regulations

Proposed subdivisions must comply in all respects with the requirements of any officially adopted land use regulations.

Section 205 - Conflicts of Regulations

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulation shall govern. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 206 - School Sites on Land Use Plan

If the Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Planning Board shall immediately notify the Board of Education when a sketch plan or plat is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education must act to obtain the site within 18 months, as required by G.S. 153A-331, or the subdivider may treat the land as freed of the reservation.

Section 207 - Effect of Plat Approval on Dedications

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the N.C. Department of Transportation or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so. If a public dedication of any street or other grounds, public utility line, or other public facility is required the subdivider must include a statement identifying the party responsible for maintaining the required streets, grounds, utilities or facilities until such time as the dedication is accepted by the appropriate public entity.

Section 208 - Penalties for Violation

208.1 - Criminal Penalty

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Jones County Register of Deeds, shall be guilty of a misdemeanor and shall be subject, upon conviction, to fine and/or imprisonment as provided by North Carolina General Statutes 14-4. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

208.2 - Civil Penalty

The violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00) per day to be recovered by the County. Violators shall be issued a written citation which must be paid within ten (10) days.

208.3 - Equitable Remedies

Notwithstanding any other provision of this section, this Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction. The County through its attorney or other official designated by the Jones County Board of Commissioners may enjoin illegal subdivision, transfer or sale of land by action for injunction and order of abatement.

208.4 - All Remedies Available

Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this Ordinance by using any one, all or a combination of remedies.

208.5 - Continuing Violations

Each day's continuing violation of this Ordinance shall be considered a separate and distinct offense.

Section 209 - Variances

The Board of Commissioners may, upon recommendation from the Planning Board, authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance.

In order to conclude that undue hardship may result, the Planning Board (in its recommendation) and the Board of Commissioners (in its decision) shall reach the following conclusions and shall record findings of

fact supporting these conclusions:

- A) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- B) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance.
- D) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

Section 210 - Subdivision Administrator

The holder of the office of County Manager is hereby appointed to serve as Subdivision Administrator.

ARTICLE III

PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301 - Approval of Subdivision Plat Generally

To secure approval of a plat of a subdivision as required in Section 201, the subdivider shall follow the procedures set out in this Article. The Subdivision Administrator shall make the initial determination as to whether a division of land constitutes a "subdivision" as defined in this section.

Section 302 - Sketch Design Plan Requirements

302.1 - Sketch Plan Required

If the land to be subdivided contains more than ten (10) acres, the subdivider shall submit a sketch plan prior to submitting a preliminary plan. Smaller subdivisions may be submitted in sketch plan form if the subdivider wishes. If the subdivider wishes to submit a Sketch Plan, it must be submitted to the Subdivision Administrator. The subdivider, or his representative, should explain the plan, answer questions and advise the Subdivision Administrator how the sketch relates to the subdivision regulations. Sketch plans shall conform to the following requirements when submitted to the Subdivision Administrator.

302.2 - Sketch Design Plan Requirements

The Sketch Design Plan shall depict or contain the following information:

- A) Subdivision Data Block, including:
 - 1) Acreage in tract
 - 2) Acreage to be subdivided
 - 3) Number of lots proposed
 - 4) Scale of map and North Arrow
- B) Existing conditions:
 - 1) Boundaries of tract to be subdivided.
 - 2) Existing use of land on tract to be subdivided and adjoining land
 - 3) Names of adjoining property owners and subdivisions

- 4) Natural features affecting the site
- 5) Aerial photographs of the site
- C) Proposed conditions:
 - 1) Proposed use of property
 - 2) Proposed lot layout and size of lots
 - 3) A statement from the Jones County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are used in this subdivision.

302.3 - Number of Copies and Graphics Media

Two (2) copies shall be submitted to Subdivision Administrator. No specific graphics media must be employed.

302.4 - Size of Plan and Scale

No specific size or scale requirements apply to sketch design plans.

302.5 - Certificates Required

No certificates must be provided in connection with the submission of sketch design plans.

302.6 - Administrative Fees

No administrative fees are charged in connection with the submission of sketch design plans.

302.7 - Sketch Design Plan Review Procedure

The Subdivision Administrator shall review the sketch design plan for general compliance with the requirements of this regulation. The Subdivision Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or Jones County Board of Commissioners as required by this regulation.

A copy shall be retained by the Subdivision Administrator, and the other copy shall be returned to the subdivider or his authorized agent.

Section 303 - Abbreviated Procedure for Minor Subdivisions

303.1 - In General

In certain limited circumstances, the procedures required to file a final plat for minor subdivision of property may be abbreviated. This section sets out the conditions which must be met before the abbreviated procedure can be followed and describes the abbreviated procedure and plat requirements for Minor Subdivisions.

303.2 - Qualifying Minor Subdivisions

If the following conditions exist in regard to a proposed minor subdivision, the abbreviated procedure may be used:

- (1) No new public or private streets are involved;
- (2) No other new rights-of-way or easements are required;
- (3) No utilities extensions (except tap-on) are required;
- (4) All resulting lots front on a state-maintained road; and

- (5) Six (6) or fewer lots result after the subdivision.

303.3 - Limitation on Re-Use of Procedure

The abbreviated procedure may not be used a second time within five (5) years on that same tract, regardless of the owners, or on any property within fifteen hundred feet (1,500') from the original property boundaries by anyone who owned, had an option on or any legal or equitable interest in, the original subdivision at the time the subdivision received sketch plan or final plan approval.

303.4 - Minor Sketch Plan Required

Where the above conditions are met and the subdivider wishes to make use of the abbreviated procedure, the subdivider shall submit a minor sketch plan of the subdivision meeting those specifications as set out in Section 302 to the Subdivision Administrator. Review comments from the Jones County Health Department must accompany the minor sketch plan at submittal.

303.5 - Minor Sketch Design Plan Requirements

The Minor Sketch Design Plan shall depict or contain the following information:

A) Subdivision Data Block, including:

- 1) Name of Subdivision
- 2) Name of Subdivider (and owners, if different)
- 3) Acreage in tract
- 4) Acreage to be subdivided
- 5) Number of lots proposed
- 6) Scale of map and North Arrow

B) Existing conditions:

- 1) Boundaries of tract to be subdivided, showing accurate distances and bearings
- 2) Sketch vicinity map showing relationship to surrounding areas in general, and as relates to the following:
 - Adopted Thoroughfare Plan
 - 100-Year Flood Plain Contour
- 3) Existing street and right-of-way layout
- 4) Existing buildings or other structures, railroads, bridges, culverts or storm drains on tract to be subdivided, and on adjoining land if that condition might affect proposed subdivision
- 5) Location and dimensions of existing utility, drainage and other easements and locations of utilities in place
- 6) Existing use of land on tract to be subdivided and adjoining land
- 7) Names of adjoining property owners and subdivisions
- 8) Natural features affecting the site, including but not limited to bodies of water, swamps, streambeds wooded areas, and wetlands

C) Proposed conditions:

- 1) Proposed use of property
- 2) Location and boundaries of areas for use of subdivision residents or general public, such as open space, recreation areas, schools or churches
- 3) Proposed lot layout and size of lots
- 4) Proposed street right-of-way widths, streets to be improved and degree and size of improvement planned, and connections to existing streets on tract and on adjoining property
- 5) Proposed location of utilities improvements
- 6) Any proposed variations from subdivision regulations
- 7) A statement from the Jones County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision.

303.6 - Number of Copies and Graphics Media

Two (2) copies shall be submitted to Subdivision Administrator.

303.7 - Size of Plan and Scale

The size and scale requirements shall be the same as shown in Section 304.2(A),(B),(C), and (D).

303.8 - Certificates Required

The certificates required shall be the same as those required in the final plat for minor subdivisions shown in Section 303.10.

303.9 - Review of Minor Sketch Plan

The Subdivision Administrator shall review the minor sketch plan and shall advise the subdivider of those requirements to be met prior to final plat approval. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision plat in the office of the Register of Deeds.

The Subdivision Administrator shall recommend approval, approval conditioned upon modifications to bring the plat into compliance, or disapproval of the minor sketch plan within thirty (30) days of the receipt of the minor sketch plan by the Subdivision Administrator.

303.10 - Final Plat Required

Prior to any conveyance of property and the issuance of any building permit, the subdivider of a tract eligible for the abbreviated procedure shall submit to the Subdivision Administrator and have approved a final plat. The final plat shall meet the requirements set out in Section 306 for the contents of a final plat, where applicable. The following Certificates shall be placed on the final plat in lieu of those required in Section 305.6 for Final Plats.

The final plat shall be reviewed by the Planning Board. The Planning Board may approve, approve conditioned on modifications to bring the plat into compliance, or disapprove the final plat within thirty (30) days of the receipt of the final plat by the Subdivision Administrator.

A) Certificate of Subdivider

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ___, Page ___, and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

I (We) further certify that the land as shown hereon is within the subdivision regulations jurisdiction of Jones County.

Date: _____, 20 _____. _____ Owner

B) Certificate of Accuracy

I _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1: _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____. A.D., 20 ____.

Seal or Stamp

Surveyor

Registration Number

Certificate of the Notary:

North Carolina _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 20 ____.

Seal or Stamp

Notary Public

My Commission expires _____.

C) Certificate of Approval

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Jones County, with the exception of such variances, if any, as noted in the minutes of the Jones County Planning Board meeting held this date, and that it has been approved for recording the office of the Register of Deeds.

Date: _____ 20 _____

Chairman, Jones County Planning Board

Attest: _____
Clerk

303.11 - Fee

A fee of fifty dollars (\$50) shall be paid at the time of submission of the final plat.

303.12 - Other Requirements Must Be Met

Where a minor subdivision qualifies for the abbreviated procedure, nonetheless all design requirements set out in Article IV, and all other general requirements of this ordinance must be complied with unless specifically set out otherwise in this Section.

Section 304 - Preliminary Plat Review

304.1 - General

Before approval for recordation of any subdivision plat may be given, the subdivider shall submit twelve (12) copies of the preliminary plat and any supplementary material to the Subdivision Administrator at least twenty (20) days prior to the regularly scheduled Planning Board meeting at which the subdivider wishes the plat to be considered by the Planning Board. Upon submission of the preliminary plat for processing by the Planning Board, the subdivider shall pay a processing fee of fifty dollars (\$50.00) or five dollars (\$5.00) per lot, whichever is greater, to the Subdivision Administrator.

The Subdivision Administrator shall review the preliminary plat for completeness and for compliance with this ordinance, and shall then transmit the preliminary plat to the Planning Board with his or her recommendations.

304.2 - Preliminary Plat Requirements

The intent of this ordinance in requiring a preliminary plat is to allow the subdivider to obtain approval of his or her subdivision plans prior to making any expenditures for actual improvements on the land. In order to obtain this approval, the subdivider must submit a professionally prepared plat with every detail of the proposed development included, so that boards can be fully informed as to the plans for development and so that their approval, consequently, is not subject to change. To that end, the preliminary plat shall, at a minimum, meet the following requirements:

- A) The preliminary plat shall be at a scale of two hundred feet to one inch or larger, and shall be drawn on an appropriate medium, of appropriate size. It is recommended that the preliminary plat comply with final plat size and media requirements. The Jones County Register of Deeds requires a map size of 18" x 24" on mylar. The surveyor should leave a space of 4 1/2" x 2 1/2" for the Register of Deeds stamp.
- B) The preliminary plat shall be prepared by a registered surveyor, and shall comply with standards of practice.
- C) The preliminary plat shall meet the requirements set out in Subsection 306.
- D) The preliminary plat shall be accompanied by any other supplemental certificates, comments or other material required in this Article or in Article IV of this Ordinance.
- E) The submitted preliminary plat shall be clearly labeled: **"Preliminary Plat - Not for Recordation, Conveyances, or Sale."**

304.3 - Review by Other Agencies

Upon submission of the preliminary plat to the Subdivision Administrator, the Subdivision Administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including but not limited to those listed below. Comments from these reviewing agencies must be made available to the Planning Board by the subdivider before a preliminary plat may be approved, unless this requirement is specifically waived by the Planning Board.

- A) The District Highway Engineer, as to:
 - 1) Sufficiency of proposed construction and alignment of streets, highways, and drainage systems, so that all streets dedicated to the public may be eligible for acceptance onto the State Highway System.
 - 2) Driveway approval, where any street is proposed to intersect with a state-maintained road.
- B) The Environmental Health Specialist with the Jones County Health Department as to proposed water and sewer systems or satisfactory site evaluation results to allow septic tank use;
- C) The County School Superintendent as to proposed school sites;
- D) The County Soil Conservation Service, for comments on soil suitability; and

E) Such other agencies and officials as the County Planning Board and/or County Board of Commissioners may deem necessary or desirable. These may include:

-The Department of Cultural Resources, Division of Archives and History, where archeological sites or historic sites may exist in the subdivision.

-The Department of Crime Control and Public Safety, Division of Emergency Management, as to floodplain elevations and setbacks.

-The Division of Water Quality, Groundwater Section, where underground storage tanks holding petroleum or hazardous chemicals may be installed or removed.

-The Division of Water Quality, as needed, for Neuse River Buffer Rules, or other water quality issues.

304.4 - Environmental Impact Statement

An environmental impact statement, as provided for in Chapter 113A-8 through 113A-10 of the North Carolina General Statutes, shall be necessary only when required by a state or federal agency or agencies.

304.5 - Certificates to be Applied to Face of Preliminary Plat

A) The Jones County Planning Board hereby approves (disapproves) this preliminary subdivision plat. This action shall in no way be construed as constituting approval for recording.

Date Chairman, Jones County Planning Board

B) Certificate of Accuracy - I,, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20 _____.

Seal or Stamp _____
Surveyor

Registration Number

Certificate of the Notary:

North Carolina, _____ County
I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20 _____.

Seal or Stamp _____
Notary Public
My Commission expires _____.

C) The surveyor must include a certificate on the plat as follows:

I, _____, Registered Land Surveyor, certify to one or more of the following:

- 1. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- 2. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

- 3. That the survey is of an existing parcel of land;
- 4. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- 5. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in (1) through (5) above.

Registered Land Surveyor

Registration Number

D) If the plat contains the certificate of a surveyor as stated in 1, 4, or 5 above, the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as required by the Jones County Subdivision Administrator in the following format, before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in 2 or 3 above, nothing shall prevent the recordation of the plat if all other provisions have been met.

I, _____, Jones County Subdivision Administrator, certify that pursuant to the surveyor's certification, (approval)_____, or (no approval)_____ is required by the Jones County Subdivision Administrator.

Jones County Subdivision Administrator

Date

304.6 - Planning Board Review

The Planning Board shall review the preliminary plat for compliance with the ordinance within forty-five (45) days of receipt by the Subdivision Administrator.

A) **Approval** - If the Planning Board approves the preliminary plat, such approval shall be certified on the plat as provided in Section 304.5(A). The subdivider shall receive the original signed plat and one (1) copy. The Planning Board shall retain one (1) copy for its records.

B) **Disapproval** - If the Planning Board disapproves the preliminary plat, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the preliminary plat does not comply. One (1) copy of the written reasons for disapproval and two (2) copies of the plat shall be returned to subdivider. One (1) copy of the plat and written reasons shall be kept by the Planning Board for its records.

Upon disapproval of a preliminary plat, the Planning Board may allow resubmission of the final plat upon correction of errors resulting in the initial disapproval. In that event, the Planning Board may require that the plat be treated as if it were an initial submission or it may allow deletion of some steps in the preliminary plat review process. The Planning Board's determination of the proper procedure for each resubmission shall be made at the time of disapproval.

304.7 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

Section 305 - Final Plat Review

305.1 - General

Upon completion of the installation of the improvements shown in the approved preliminary plat, the applicant may submit a final plat for approval. If a final plat of a subdivision is not submitted within 12 months of the date of the preliminary plat approval, the preliminary plat approval shall become null and void. However, the Board of Commissioners may grant in writing an extension

of that time limit for all or any part of the subdivision if requested to do so prior to the expiration of the 12-month period.

305.2 - Certification of Improvements

If improvements have been installed at the time of submittal of a final plat, the subdivider's engineer may, as part of the final plat submittal, furnish a certified "as-built" plan. This certification shall insure that the subdivision improvements have been completed in accordance with the approved preliminary plat. The as-built plan shall be filed with the Subdivision Administrator.

305.3 - Submission Procedure

On application for final plat processing, the subdivider shall pay a fee of a minimum of fifty dollars (\$50.00), or five dollars (\$5.00) per lot in the subdivision, whichever is greater, to the Subdivision Administrator. The subdivider shall submit twelve (12) copies of the final plat to the Subdivision Administrator, who shall review the plat for compliance with the preliminary plat. The Subdivision Administrator shall then transmit the final plat to the Planning Board with his or her recommendations.

305.4 - Planning Board Review

The Planning Board shall review the final plat for compliance with the preliminary plat. The Planning Board may appoint an engineer or Registered Land Surveyor to check the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider if the plat is found to be in error. The Planning Board shall recommend approval, approval conditioned upon modifications to bring the plat into compliance, or disapproval of the final plat, within sixty (60) days of the receipt of the final plat by the Subdivision Administrator. If no recommendation is made by the Planning Board within sixty (60) days, the Subdivider may apply directly to the Board of Commissioners for approval.

A) Recommending Approval - If the Planning Board recommends approval of the final plat, it shall retain one (1) copy of the proposed plat and one (1) copy of its recommendation for recording in its minutes and it shall transmit all other copies of the plat and its written recommendation to the Board of Commissioners through the Subdivision Administrator.

B) Recommending Approval With Conditions - If the Planning Board recommends approval of the final plat on the condition that modifications be made prior to the final plat approval, it shall retain one (1) copy of the plat for its minutes, return to the Subdivider one (1) copy of the plat and its written recommendation, and transmit all other copies of the plat and its recommendation to the Board of Commissioners through the Subdivision Administrator.

C) Recommending Disapproval - If the Planning Board recommends disapproval of the final plat, it shall return to the subdivider one (1) copy of the plat and its written reasons for disapproval and shall retain one (1) copy of each for its minutes. It shall also instruct the subdivider concerning resubmission of a revised plat. The subdivider may then make such changes as will bring the plat into compliance and resubmit the revised plat for reconsideration by the Planning Board, or the subdivider may appeal the decision to the Board of Commissioners. If the subdivider decides to resubmit the revised plat for reconsideration by the Planning Board, or the subdivider may appeal the decision to the Board of Commissioners. If the subdivider decides to resubmit the final plat with changes, that revised plat shall be treated as an original final plat submission. If the subdivider decides to appeal the decision to the Board of Commissioners, he or she shall request the hearing in writing and the Planning Board shall transmit the remaining copies of the plat and recommendation to the Board of Commissioners through the Subdivision Administrator.

305.5 Board of Commissioners Review

If the Planning Board recommends approval or approval conditioned on modifications, or if the subdivider appeals a recommendation of disapproval, the Board of Commissioners shall consider the application for final plat approval at its next regular meeting more than fourteen (14) days after the Planning Board's recommendation.

I hereby certify that under my direction and supervision this Plat, shown and described hereon, was drawn from an actual survey of land; that the Error of Closure is calculated by latitudes and departures and is 1: _____; that the boundaries not surveyed are shown as broken lines; that this Plat was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and Seal this ____ day of _____ 20__.

Registered Land Surveyor
Seal or Stamp

Registration Number

Certificate of the Notary

North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 20__.

Seal or Stamp

Notary Public

My Commission expires _____.

C) Certificate of Review Officer

State of North Carolina

Jones County

I, _____, Review Officer of Jones County, Certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

D) Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Jones County, with the exception of such variances, if any, as are noted in the minutes of the Jones County Planning Board and/or Board of County Commissioners, and that it has been approved for recording in the office of the Register of Deeds.

Date 20__ Chairman, Jones County Planning Board

Date 20__ Chairman, Jones County Board of Commissioners

Attest: _____ 20__
Clerk Date

E) Certificate of Register of Deeds

Filed for Registration at _____ o'clock __ M _____ 20__

CAB _____ SLIDE _____ PG _____

Register of Deeds, Jones County

BY: _____

F) Certificate of Approval and Acceptance of Dedications

I, _____, The County Clerk and Treasurer of Jones County, do certify that Jones County approved this plat or map and accepted the dedication of the easements, rights-of-way and public park shown thereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of Jones County, it is in the public interest to do so.

_____, 20____
County Clerk-Treasurer

G) Other Certificates

The Subdivider shall submit other required certificates such as the Certificate of Dedication and Maintenance set out in Subsection 402.3.

305.8 - Filing

The subdivider shall file the approved final plat with the Register of Deeds of Jones County within thirty (30) days of the approval and certification of the Board of Commissioners; otherwise, such approval shall be null and void.

Section 306 - Information to be Contained in or Depicted on Preliminary and Final Plats

The preliminary and final plats shall depict or contain the information indicated in a table entitled **Information Required on Preliminary/Final Plats, Attachment A**, at the end of this document. An x indicates that the information is required.

Section 307 - Recombination of Land

307.1 - Written Vacation of Plat

Any plat or any part of any plat recorded in the office of the Register of Deeds may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

307.2 - Approval Required

Such an instrument shall be approved by the Board of Commissioners, upon recommendation of the Planning Board. The Board of Commissioners may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

307.3 - Execution and Filing

Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

307.4 - Execution by All Owners

When lots have been sold, the plat may be vacated in the manner provided in Sections 307.1 through 307.3 by all owners of the lots in such plat joining in the execution of such writing.

Section 308 - Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

ARTICLE IV

**IMPROVEMENTS REQUIRED AND
MINIMUM STANDARDS OF DESIGN**

Section 401 - In General

Approval of the final plat is subject to the subdivider having installed the improvements required in this Ordinance. Each subdivision shall contain the improvements in this Article, unless otherwise approved by the majority of the County Board of Commissioners through the variance procedures in Article II or otherwise stated in this Ordinance.

401.1 - Suitability of Land

Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reasons unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for commercial or residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

401.2 - Fill Areas

Areas that have been used for the disposal of solid waste or liquid waste shall not be subdivided into residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste and other waste materials.

401.3 - Developer Responsible for Installation and Costs of Improvements

The developer shall be responsible for the installation and cost of all utilities and improvements.

Section 402 - Improvements Guarantees**402.1 - Agreement and Security Required**

A Subdivision Improvement Agreement, the content and requirements of which having previously been approved by the Planning Board, shall be signed by the subdivider and filed with the Subdivision Administrator prior to the consideration of any plat. In addition, Jones County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements not yet installed at the time of final plat consideration by the Planning Board, provided that the subdivider submit the appropriate guarantees as listed below, and all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provided, subject to the approval of the Planning Board, either one (1), or a combination of the following guarantees, not exceeding 1.25 times the entire cost of improvements as provided herein:

A) Cashiers Check(s)

The subdivider shall obtain a cashiers check(s) from a bank or other qualified financial institution authorized to do business in North Carolina. The check(s) shall be payable to Jones County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Planning Board, of installing all required improvements.

B) Irrevocable Letter of Credit

The subdivider shall obtain an irrevocable letter of credit from a bank or other qualified financial institution authorized to do business in North Carolina. The amount of authorized credit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Planning Board, of installing all required improvements. The wording and language of the irrevocable letter of credit shall be approved by the Planning Board. The duration of the letter of credit shall be until such time as the improvements are accepted by the Planning Board.

402.2 Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the Subdivision Improvement Agreement and/or by this ordinance, then the financial institution that issued the cashiers check and/or the irrevocable letter of credit shall, if requested by the Planning Board pay all or any portion of the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Planning Board, in its discretion, may expend

such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

402.3 Release of Guarantee Security

The Planning Board of Jones County may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within forty-five (45) days after receiving the Subdivision Administrator's recommendation, the Planning Board of Jones County shall approve or disapprove said improvements. If the Planning Board of Jones County approves said improvements, then it shall immediately release any security posted on that portion.

402.4 - Defects Guarantee

The Board of Commissioners shall require an irrevocable letter of credit or surety bond approved by the County Planning Board guaranteeing utility taps, drainage facilities, water and sewer lines, streets, curbs, gutters, sidewalks, and, seeding and grading of road shoulders against defects for one (1) year beginning from the date of approval of the final plat. This bond or letter of credit shall be in an amount determined by the Board of Commissioners. The guarantee required shall not exceed the amount of ten percent (10%) of the total cost of the above-mentioned improvements. Release of the letter of credit or surety bond shall occur at the end of the one-year period.

402.5 - Certificate of Dedication and Maintenance

The certificate of dedication and maintenance shall stipulate the following:

- A) That all property and improvements are owned by the subdivider and free of any encumbrance or lien except as enumerated;
- B) That the subdivider has freely dedicated or reserved all required right-of-way easements, streets, utilities, open spaces, or other improvements to public or private use as required by the approved preliminary plat and has established minimum building setback lines; and
- C) That the subdivider shall be responsible for the maintenance of all improvements until said improvements are taken over by the appropriate public agency or arrangements satisfactory to the Board of Commissioners have been made for maintenance of said improvements.

This certificate shall be submitted with the final plat and forwarded to the Register of Deeds to be recorded with the approved final plat.

Section 403 - Streets

403.1 - In General

All subdivision lots shall abut on a private or public street. A combination of public and private streets may be acceptable. All subdivision streets shall be built to the standards of this Ordinance and all other applicable standards of the county and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this Ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. (See Subdivision Roads, Minimum Construction Standards, Division of Highways, North Carolina Department of Transportation, as amended.) Streets which are not eligible to be put on the State Highway System shall be in accordance with the standards in this Ordinance.

403.2 - Written Maintenance Agreement Required

Where a subdivision street shall not be accepted onto the State Highway System, a written maintenance agreement with provisions for maintenance of the street and a sample of related deed

restrictions and covenants shall be submitted with the preliminary plat, if the subdivider chooses not to create a homeowners association for the purposes of street maintenance.

403.3 - Homeowners Association

When a homeowners association is established to provide for the maintenance of private subdivision streets, it shall be incorporated in accordance with N.C.G.S., Chapter 55. As required, appropriate by-laws shall be prepared, and proposed covenants or deed restrictions which address maintenance, apportionment of financial responsibility, and enforcement shall be provided. The County Attorney shall approve the adequacy of these materials prior to final plat review. These materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the Jones County Register of Deeds Office.

403.4 - Subdivision Street Disclosure Statement

All streets shown on the preliminary and final plats shall be designated in accordance with G.S. 136-102.6 and designation as public on the final plat shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

403.5 - Intersections With State Roads

Connections of subdivision streets to state-maintained roads require a special permit from the District Engineer. That permit shall be obtained prior to and submitted with the preliminary plat to the Subdivision Administrator.

403.6 - Cul-de-sacs

Permanent dead end streets or cul-de-sacs shall be no longer than one thousand five hundred (1,500) feet and shall be provided at the closed end with a turn-around which meets the requirements of the Department of Transportation, Division of Highway Standards.

403.7 - Right-of-way Width

The right-of-way width shall be sixty (60) feet, except where N.C. Department of Transportation standards apply. A partial right-of-way width less than sixty (60) feet will not be accepted. The subdivider must secure the entire right-of-way width for dedication purposes.

403.8 - Pavement Width

If the street is to be paved, then the pavement width shall be eighteen (18) feet, except collector streets, which shall be twenty (20) feet.

403.9 - Unpaved Streets

If unpaved, the road shall be graded and stabilized according to accepted policies of N.C. Department of Transportation.

403.10 - Restrictive Covenants

Restrictive covenants, if in place, shall be recorded along with the deed of each lot fronting on a subdivision road. The covenants shall embody the restrictions in this Ordinance in reference to roads serving subdivisions. The restrictive covenants dealing with the road shall be approved by the Planning Board and the County Attorney and shall be a condition upon which approval of a final plat will be based.

403.11 - Contours

Proposed streets shall be adjusted to the contours of the land so as to produce streets having gradients which provide for safety, proper drainage, and usable lots.

403.12 - Intersection Angles

Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than seventy-five (75) degrees.

A) Intersection off-sets are not allowed. Intersections which cannot be aligned should be separated by a minimum of one hundred twenty-five (125) feet between centerlines for safety purposes.

B) Minimum sight distances shall be determined by NCDOT standards.

C) Horizontal, vertical, and reverse curves shall be designed by the subdivider according to standards of NCDOT and in the interest of public safety and general welfare. Factors to be considered, among others, shall be the type and importance of the street, sight distances, anticipated traffic volume and design speed.

403.13 - Street Names and Street Signs

Private street and road names for all subdivision plats shall be subject to approval of the E-911 Addressing Administrator. New private street and road names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

It shall be the responsibility of the developer to install street signs at the intersection of streets within his development. All signs shall be in accordance with the specifications as provided in the Addressing and Road Naming Ordinance for Jones County, N.C.

403.14 - Access Roads

Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to create a ten (10) foot buffer strip parallel and adjacent to the right-of-way of the highway as a part of those lots whose rear yards are adjacent to the highway. The buffer strip shall be conveyed in the deeds to the affected lots and shall be restricted to the planting of trees or shrubs for screening purposes by the lot owners. This buffer strip shall be in addition to all other setbacks or easements required by this Ordinance.

Section 404 - Lots, Building Setbacks, Blocks and Buffer Strips

404.1 - Lots

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Board of Commissioners to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

A) Every lot shall front or abut on a public or private street. Each lot must have a minimum road or street frontage of fifty feet (50') and a minimum width of one hundred feet (100') at the building set back line. Additional frontage or width may be required in the event that Jones County adopts a zoning ordinance.

B) Lot sizes in subdivisions shall comply with the requirements of the Jones County Health Department.

C) Corner lots for residential use shall have an extra width of 20 feet to permit adequate building setback from side streets.

D) Double frontage and reverse frontage lots shall be avoided, except where required to separate residential development from through traffic.

E) Side lot lines shall be substantially at right angles or radial to street lines.

F) Flag lots are permitted.

404.2 - Building Setback Lines

The minimum building setback from the property lines shall be as follows:

- A) From the front property line 25 feet
- B) From the side property line 12 feet
- C) From the rear property line 25 feet
- D) From the side property line
on corner lots 22 feet
- E) From the front property line on
major thoroughfares 40 feet

Federal and State regulations concerning setbacks from water and in flood areas shall be strictly adhered to and shown on the sketch plan and preliminary and final plats.

404.3 - Blocks

- A) Blocks shall be laid out with special attention given to the type of use contemplated.
- B) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.
- C) Blocks shall not be less than five hundred feet (500') or more than fifteen hundred feet (1500').
- D) Where deemed necessary by the Planning Board and the Board of Commissioners, a pedestrian crosswalk at least fifteen feet (15') in width may be required to provide convenient public access to a public areas such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.
- E) Block numbers shall conform to the County road numbering system, if applicable.

404.4 - Buffer Strips

In residential districts a buffer strip at least twenty-five feet (25') in depth in addition to the normal lot size and depth required shall be provided adjacent to all railroads and controlled access highways, commercial and/or industrial developments, multi-family housing and mobile home parks, and any other land use that the Planning Board and Board of Commissioners deems necessary and where there may be potential conflict. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: **"This strip shall be reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."**

404.5 – Riparian Area Buffer Rules, Neuse River Basin

Riparian Area Buffer Rule, NCACA15NC2B.0233 applies within the planning jurisdiction of Jones County. The Riparian Area Rule deems it illegal to remove existing "forest vegetation" in certain land directly adjacent to a stream or other waterbody in the Neuse River Basin. The developer, as applicable, must provide proof to the Jones County Planning Board, at the preliminary plat stage, that he/she has complied with the requirements of this rule. Certification of compliance will be provided by the N.C. Department of Environment and Natural Resources, Division of Water Quality. Contact the Washington Regional Office for information on permit requirements and certification.

Section 405 - Utilities**405.1 - In General**

All lots to be subdivided must be served by on-site wells and septic tank systems or approved sanitary sewer and water facilities.

405.2 - Individual On-Site Wells and Septic Tank Systems

A) Wells shall be located as allowed by the Jones County Health Department.

B) Water supply and sewage facilities shall comply with applicable State and County Public Health laws and regulations.

405.3 - Public and Private Sanitary Sewer and Water Facilities

Upon submittal of a preliminary plat, plans and specifications shall be provided by the subdivider showing necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the rights-of-way in the subdivision. After approval of the preliminary plat and these plans and specifications by the Board of County Commissioners and applicable agencies, installation of the improvements by the subdivider can begin. The Subdivision Administrator or his agent shall act as inspector to see that all the proper plans and specifications are faithfully carried out.

The use of a private water or sewer system approved by the Jones County Health Department and other authorizing agencies will be permitted. The total cost of any sanitary sewer and water distribution improvements and accessories is to be borne by the subdivider.

405.4 - Easements

The subdivider shall convey easements to the County or appropriate utility company for both underground and overhead utility installation where needed. Easements shall be a minimum of twenty (20) feet wide, or as required by utility companies, and normally centered along rear or side lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum twenty (20) feet wide easement.

Section 406 - Drainage and Sedimentation Control

406.1 - Easements

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose of managing storm water runoff in a manner following the natural contours of the watercourse that will safeguard the health and property of the citizens of Jones County. Maintenance responsibility for drainage shall be included in the covenants of the subdivision.

406.2 - Sedimentation and Erosion Control

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities. When any land-disturbing activity is to be undertaken on a tract where more than one acre is to be uncovered, a Sedimentation and Erosion Control Plan is required.

Section 407 - Permanent Reference Points

407.1 - In General

Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the requirements set forth in this Section.

407.2 - Monuments

Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as

control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.

A) Property Corner Tie: At least one corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand feet (2,000') of a U.S. Coast and Geodetic Station or N.C. Grid System coordinated monument, then this corner shall be accurately tied to this Station or monument by computed X and Y coordinates which shall appear on the Map with a statement identifying this station or monument or to an accuracy of 1:15000. When such a Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure.

B) Markers: All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than two (2) inches in diameter and forty (40) inches long, driven so as to be 1-inch above the finished grade.

407.3 - Flood Elevation Monuments

Where a subdivision contains more than five (5) lots or more than five (5) acres, there shall be located in the subdivision at least one (1) Flood Elevation Marker established by a Registered Land Surveyor, if existing vertical control is within one thousand five hundred (1,500) feet of the site.

Section 408 - Miscellaneous Standards

408.1 - Fire Hydrants

When a subdivision is to be served by a central water system, fire hydrants are to be installed every 1,000 feet apart, or no further than 500 feet from the furthest point of any lot within the subdivision, where water line size will permit. In areas where line size of six (6) inches or more is not available, then hydrants are not required. If the subdivider is installing six (6) inch lines, or better, then hydrants are to be installed every 1,000 feet apart, or no more than five hundred (500) feet from the furthest point of any lot within the subdivision.

If a publicly owned water line, 6 inches or greater in size, is proposed to intersect with a water line serving the proposed subdivision, then the developer shall install a fire hydrant at, or near, the point of intersection.

All fire hydrants shall be located so as to be easily accessible to fire trucks on a public street. Where there is no central water system but there is a water source available, dry hydrants shall be installed as determined by the Fire Chief in charge of serving the Subdivision.

ARTICLE V

DEFINITIONS

Section 501 - Subdivision

For the purposes of this Ordinance, "subdivision" means all divisions of a tract or parcel of land into five (5) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition nor be subject to the regulations prescribed by this Ordinance:

A) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this Ordinance.

B) The division of land into parcels greater than (5) five acres where no street right-of-way dedication is involved.

- C) The public acquisition by purchase of strips of land for the widening or opening of streets.
- D) The division of a tract in single ownership whose entire areas is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this Ordinance.

Section 502 - Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows:

- A) The word "May" is permissive.
- B) The words "Shall" and "Will" are mandatory.
- C) The present tense includes the future tense and the future tense includes the present tense.
- D) The singular includes the plural and plural includes the singular.

Section 503 - General

For the purpose of this Ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

Authorized Agent - One who is acting as representative for, or by the authority of , the subdivider.

Block - A piece of land bounded on one or more sides by streets or roads.

Board of Commissioners - The Board of County Commissioners; County Board of Commissioners; the governing body of the County of Greene, North Carolina.

Buffer Strip - An area of land that shall not be developed, required to separate land uses deemed incompatible. Front yard set backs and side yards are examples of buffers. In some cases additional screening, landscaped or otherwise may be required.

Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any buildings, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

Collector Street - A street which serves the connecting street system between local residential streets and the thoroughfare system.

Corner Lot - A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front when requesting a building permit.

Cul-de-sac - A short street having one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

Dedication - A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

Disclosure Statement - A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

Double Frontage Lot - A continuous (through) lot which is accessible from both streets upon which it fronts.

Easement - A grant by the property owner for use by the public or others of a strip of land for

specified purposes.

Flag Lot - A lot which has a reduced amount of frontage on a street and relies on a panhandle-shaped corridor for access to the bulk of the lot.

Interior Lot - A lot other than a corner lot with only one frontage on a street.

Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word "lot" includes the word "parcel" or "plot".

Lot of Record - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Jones County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Official Maps or Plan (Land Development Plan or Comprehensive Plan) - Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.

Open Space - An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Planned Unit Development - A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and usable open spaces and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

Planning Board - The Planning Board of Jones County.

Plat - A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms "map", "plot", and "plan".

Plat, Final - A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.

Plat, Preliminary - A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this Ordinance.

Private Driveway - A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

Public Sewage Disposal System - A system serving two (2) or more dwelling units and approved by the Jones County Health Department and the North Carolina Department of Environment, Health, and Natural Resources.

Recreation Area or Park - An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

Reservation - A reservation of land not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Reversed Frontage Lot - A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Single-Tier Lot - A lot which backs upon a limited access highway, a railroad, a physical barrier,

or another type of land use and to which access from the rear is usually prohibited.

Streets - A right-of-way dedicated to the public for vehicular traffic.

Freeway, Expressway, or Parkway - Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A **freeway** providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An **expressway** is a divided highway with full or partial control of access and generally with grade separations at major intersections. A **parkway** is a highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.

Frontage Road - A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.

Private Street - An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

Major Thoroughfares - Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Local Street - A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.

Subdivider - Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this Ordinance.

Subdivision Administrator - That person appointed by the County Commissioners to administer the provisions of this Ordinance.

Through Lot or a "Double Frontage Lot" - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

ATTACHMENT A INFORMATION REQUIRED ON PRELIMINARY AND FINAL PLATS

Information Required on Preliminary/Final Plats		
Information	Preliminary Plat	Final Plat
Title Block Containing		
Property Designation	x	x
Name of owner	x	x
Location (including township, county and state)	x	x
Date or dates survey was conducted and plat prepared	x	x
Scale of drawing in feet per inch listed in words or figures	x	x
Bar graph	x	x
Name, address, registration number and seal of the Registered Land Surveyor	x	x
The name of the subdivider	x	x

A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
Corporate limits, township boundaries, county lines, if on the subdivision tract	x	x
Names, addresses & telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for subdivision	x	x
Registration numbers & seals of the professional engineers	x	x
Date of plat preparation	x	x
North arrow and orientation	x	x
Boundaries of the tract or portion thereof to be subdivided, distinctly & accurately represented with all bearings & distances shown	x	
Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		x
Names of owners of adjoining properties	x	x
Names of any adjoining subdivision of record or proposed and under review	x	x
Minimum building setback lines	x	x
Existing property lines on the tract to be subdivided and on adjoining properties	x	x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, on the land to be subdivided	x	x
Proposed lot lines, lot and block numbers, and approximate dimensions	x	
Boundaries of the lots and the lots numbered consecutively throughout the subdivision		x
Wooded areas, marshes, wetlands, swamps, ponds or lakes, streams or streambeds and any other natural features affecting the site	x	x
Location of 100-year flood plain contour from Jones Co. National Flood Insurance (FEMA) maps	x	x
Street data required as follows:		
Proposed streets	x	x
Existing and platted streets on adjoining properties and in the proposed subdivisions	x	x
Rights-of-way, location and dimensions	x	x
Pavement widths	x	x
Approximate grades	x	x
Design engineering data for all corners & curves	x	x
Typical street cross-sections	x	x
Street names	x	x
All other information required by the NCDOT prior to issuing its certificate of approval, including relationship to Adopted Thoroughfare Plan, if applicable	x	x
Type of street dedication; all streets must be dedicated either "public" or "private"	x	x
Where streets are dedicated to the public, but not accepted into a municipal or the State system before lots are sold, a statement explaining the status of the street in accordance with Section ---- of this ordinance		x
If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by NCDOT, Division of Highways, Manual on Driveway Regulations. Evidence must be presented that the subdivider has obtained such approval.	x	
The location and dimensions of all:		
Utility and other easements	x	x

Riding trails; pedestrian or bicycle paths	x	x
Natural buffers and buffer strips	x	x
Parks and recreation areas with specific type indicated	x	x
School sites	x	x
Areas to be dedicated to, or reserved for, public use	x	x
Areas to be used for purposes other than residential with the purpose of each stated	x	x
The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners association, or for tenants remaining in subdivision ownership) of recreation and open space lands	x	x
The plans for utility layouts (or actual location of utilities as installed) including:		
Sanitary sewers, prepared by a registered engineer	x	x
Storm sewers, prepared by a registered engineer	x	x
Other drainage facilities, if any, prepared by a registered engineer, except incidental drainage	x	x
Water distribution lines including connections to existing systems showing line size, the location of fire hydrants, blowoffs, manholes, force mains and gate valves, prepared by a registered engineer	x	
Location and type of fire hydrants	x	
Natural gas lines	x	x
Telephone lines	x	x
Electric lines	x	x
Plans for individual water supply and sewage disposal systems, if any, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves	x	
Street lights	x	x
Profiles based on Mean Sea Level datum for sanitary sewers & storm sewers	x	
Site calculations including:	x	
Acreage in total tract to be subdivided	x	x
Acreage in parks & recreation areas and other non-residential uses	x	x
Total number of parcels created	x	x
Acreage in the smallest lot in the subdivision	x	x
Linear feet in streets	x	x
The name & location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Dept. of Interior's National Register of Historic Places	x	x
Sufficient engineering data to determine readily & reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, & setback line, including dimensions, bearings, or deflection angles, radii, central angles, & tangent distances for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth (1/10) of a foot & all angles to the nearest minute.		x
The accurate locations & descriptions of all monuments, markers and control points		x

A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.		x
A copy of the erosion control plan submitted to the authority (NC Div. of Land Quality, Washington Regional Office)	x	
Letter or certification from NC Division of Water Quality for compliance with the Riparian Buffer Area Rules of the Neuse River Basin (not required to be shown on plat)	x	
Topographic map with contour intervals of no greater than two (2) feet at a scale of no less than 1"=200'.		
All certifications required in Article III, if applicable		
Any other information considered by either the subdivider, Planning Bd. or Board of County Commissioners if Planning Board or Commissioners deem it pertinent to the review of the plat.		x
1 Required on final plat only for minor subdivisions		

This Ordinance adopted by the Jones County Board of Commissioners on May 21, 2001 and effective July 1, 2001.

Cora Davenport
Cora Davenport, Clerk
Jones County Board of Commissioners

Horace B. Phillips
Horace B. Phillips, Chairman
Jones County Board of Commissioners

AN ORDINANCE NAMING PUBLIC AND PRIVATE ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public and private roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

**Jones County
NC State Roads**

NC DOT#	Current Name	Proposed Suffix Name	Township	Post Office
SR 1107	Foscue Lane	Foscue Drive (East of Hwy 17 S)	Pollocksville	Pollocksville
SR 1108	Ravenwood Lane	Ravenwood Road (East of Hwy 17 S)	Pollocksville	Pollocksville
SR 1111	Mill Creek Lane	Mill Creek Drive (W of Mill Creek Rd)	Pollocksville	Pollocksville
SR 1113	Riggs Lane	Riggs Drive (NW of Riggstown Rd)	Pollocksville	Pollocksville
SR 1117	Emmett Lane	Emmett Road (S of White Oak River Rd)	White Oak	Maysville
SR 1121	Oliver's Crossroads	Olivers Crossroads (East of Hwy 58)	Pollocksville	Pollocksville
SR 1136	Shivar's Lane	Shivars Road (Off 41 W of Comfort)	Cypress Creek	Trenton
SR 1143	John M. Hargett Lane	John M. Hargett Road (Off Weyerhaeuser Rd)	Trenton	Trenton
SR 1318	Noble's Lane	Nobles Loop Road (Off Hwy 58)	Trenton	Trenton
SR 1334	Tillman Lane	Tillman Drive (N of Oak Grove Rd)	Pollocksville	Pollocksville
SR 1335	Simmons Lane	Simmons Drive (W of Hwy 17 N)	Pollocksville	Pollocksville
SR 1357	Sermon Lane	Sermon Road (Off Hwy 17 N)	Pollocksville	Pollocksville
SR 1363	Rock Creek Lane	Rock Creek Drive (in Rock Creek Subd)	Pollocksville	New Bern

**Jones County
Private Roads**

Current Name	Proposed Suffix Name	Township	Post Office
Addie Ruth's Lane	Addie Ruth Lane (Off Hwy 17 near Foscue Plantation)	Pollocksville	Pollocksville
Austin Avenue	Austin Lane (in Garnett Heights)	Pollocksville	Pollocksville
Battle Road	Battle Lane (Off Quinn Rd)	Cypress Creek	Trenton
Country Road	Country Lane (South of Hwy 41 W)	Cypress Creek	Trenton
Country Club Drive	Country Club Trail (North of Oak Grove Rd)	Pollocksville	Trenton
Country Club Road	Country Club Lane (N of Oak Grove Rd /Quaker Neck)	Pollocksville	Trenton
Daughetys Ranch Road	Daughetys Ranch Lane (Off Pine Street)	Chinquapin	Trenton
Davis Circle	Davis Circle Lane (Near Moose Lodge)	Trenton	Trenton
Dillon Drive	Deer Run Lane (Off Middle Rd near Cobb Rd)	Beaver Creek	Kinston
Dixon Field Road	Dixon Field Lane (Off SR 1102)	White Oak	Maysville
East River Front Drive	East River Front Lane (Off Oak Grove Rd)	Pollocksville	Pollocksville
East Rock Creek Road	East Rock Creek Lane (Rock Creek Subdivision)	Pollocksville	New Bern
Elisha Court	Elisha Lane (Off Strayhorn Lane (Haiti)	Trenton	Trenton
Forest Glen Drive	Forest Glen Lane (Off Island Creek Rd near bridge)	Pollocksville	Pollocksville
Frank Street	Frank Lane (Off Larry Ave /Garnet-Heights)	Pollocksville	Pollocksville
Green Street	Green Lane (Off Larry Ave/ Garnet-Heights)	Pollocksville	Pollocksville
Hagar Ave	Hagar Lane (Off Beaufort Rd/ Garnet-Heights)	Pollocksville	Pollocksville
Harry Brown Road	Harry Brown Lane (Off Barber Rd)	Trenton	Trenton
Hoosie's Lane	Hoosies Lane (Off SR 1156)	Beaver Creek	Kinston
J.H. Dudley Road	J.H. Dudley Lane (West of Yates Lane)	White Oak	Maysville
Jones Road	Jones Lane (Off Hwy 58 N)	Chinquapin	Trenton

Ordinance # 44

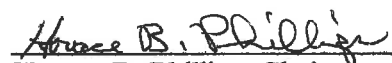
Per Commissioners Minutes July 16, 2001

Manning Drive	Manning Lane (Off Magg Smith Rd)	Pollocksville	Pollocksville
Mill Run Road	Mill Run Lane (Off Stone Chapel Rd)	Cypress Creek	Trenton
Ontrento Road	Ontrento Lane (Off Stone Chapel Rd)	Cypress Creek	Trenton
O'Pharrow Drive	Opharrow Lane (Off Hwy 58)	Pollocksville	Pollocksville
Poley Branch Road	Poley Branch Lane (Off Pleasant Hill Rd)	Tuckahoe	Trenton
River Bluffs Road	River Bluffs Lane (Off Spann Rd)	Trenton	Trenton
River Island Road	River Island Lane (Off Crump Farm Rd)	Pollocksville	New Bern
Riverfront Drive	Riverfront Lane (Off Simmons Bluff Rd)	Pollocksville	Pollocksville
Rivers Edge Road	Rivers Edge Lane (Off Emmett Lane)	White Oak	Maysville
Rivertide Road	Rivertide Lane (Off Travers Lane)	Pollocksville	New Bern
Scott Farm Road	Scott Farm Lane (Off Hwy 17 South)	Pollocksville	New Bern
Simmons Bluff Road	Simmons Bluff Lane (Off Oak Grove Rd)	Pollocksville	Pollocksville
Skippers Road	Skippers Lane (Off Scott Farm Rd)	Pollocksville	New Bern
Smith Drive	Smith Trail (Off Quinn Rd)	Cypress Creek	Trenton
Sunset Drive	Sunset Lane (Off Copeland Farm Rd)	Beaver Creek	Kinston
Trent Farm Road	Trent Farms Lane (Off Hwy 17 S)	Pollocksville	New Bern
Trent Field Farm Road	Trent Field Farm Lane (Off Curtis Rd)	Trenton	Trenton
West Rock Creek Road	West Rock Creek Lane (Rock Creek Subd)	Pollocksville	New Bern
Ward Lane	Robert Ward Lane (Off Hwy 41 E)	Trenton	Trenton
Willis Ave	Willis Lane (Off SR 1002)	Trenton	Trenton

Jones County
Private Road

Proposed Road Name	Township	Post Office
Colemans Fast Lane (Off Hwy 58 N near Lenoir Co. Line)	Chinquapin	Kinston
Frances Lane (Off Webb Farm Rd)	Beaver Creek	Dover
Franklin Lane (Off Goshen Rd)	Pollocksville	Pollocksville
Futreal Lane (Off Stroud Rd)	Cypress Creek	Trenton
Greezzneck Trail (Off Cobb Rd next to Beaver Creek)	Beaver Creek	Kinston
Hargett Lane (Off Oak Grove Rd)	Pollocksville	Pollocksville
Hood Farm Lane (Off Caswell Station Rd)	Beaver Creek	Kinston
JB Hill Lane (Off Mill Creek Rd before Mill Creek Lane)	Pollocksville	Pollocksville
Jessie Jones Lane (Off Hwy 258 south of Small Town Rd)	Tuckahoe	Richlands
Levi Lane (Off Hwy 58 N)	Chinquapin	Kinston
Plum Nearly Lane (Off Richlands Rd near Onslow Co. Line)	Cypress Creek	Richlands
Reggie Metts Lane (Off Quinn Rd)	Cypress Creek	Trenton
Ward Lane (Off Hwy 41 E)	Trenton	Trenton
Wildlife Trail (Off Hwy 258)	Tuckahoe	Richlands
Savannahs Way (Off Hwy 58 N near Lenoir Co. Line)	Chinquapin	Kinston

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on July 16, 2001.


Horace B. Phillips, Chairman
Board of County Commissioners

ATTEST: 
Cora Davenport, Clerk
Board of County Commissioners

AN ORDINANCE NAMING PUBLIC AND PRIVATE ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public and private roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.


NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

**Jones County
Private Roads**

Current Name	Proposed Name	Township	Post Office
Kingfield Drive	Elvin Lee Lane (Off Kingfield Rd)	Trenton	Trenton
Garrett Drive	Bruces Landing Lane (Off Poley Branch)	Tuckahoe	Trenton
Tyler Lane	Hickory Hill Ridge Lane (Off Garrett Dr)	Tuckahoe	Trenton
Kennedy Drive	Kennedy Lane (Off SR 1129)	Chinquapin	Trenton

**Jones County
Private Roads**

Proposed Road	Township	Post Office
Barbee Lane (Off Hwy 58 S, south of Maysville)	White Oak	Maysville
Bell Loop Road (Goshen Lane & Goshen Ave)	Pollocksville	Pollocksville
Countryside Lane (Off British Rd)	Beaver Creek	Kinston
Evia Gray Lane (Off Goshen Road)	Pollocksville	Pollocksville
Hawthorn Lane (Off Oak Grove Rd)	Pollocksville	Pollocksville
High School Lane (Off Hwy 58 S)	Trenton	Trenton
Horne Tanner Lane (White Oak River Rd)	White Oak	Maysville
Liberty Lane (Worley Hill Road)	Beaver Creek	Kinston
Loftin Smith Lane (Off Goshen Rd)	Pollocksville	Pollocksville
Morris Lane (Off Goshen Ave)	Pollocksville	Pollocksville
Payton Lane (South of Hwy 58 & Hwy 17 intersection)	Pollocksville	Pollocksville
Rabbit Hill Lane (Mill Creek Rd)	Pollocksville	Pollocksville
Raymon Lane (Off Spann Road)	Trenton	Trenton
Shade Trail (Off Oak Goshen Road)	Pollocksville	Pollocksville
Spencer Lane (Off Goshen Ave)	Pollocksville	Pollocksville
Tibby Lane (Off Ten Mile Fork Road)	Pollocksville	Pollocksville
W.R. Loftins Way (Off Goshen Road)	Pollocksville	Pollocksville
West Lane (Off of Chinquapin Chapel Road)	Chinquapin	Trenton
Woodview Lane (Off British Road)	Beaver Creek	Kinston
Wuestman Way (Northeast of Trent St)	Trenton	Trenton


 Horace B. Phillips, Chairman
 Board of County Commissioners

ATTEST: 
 Cora Davenport, Clerk
 Board of County Commissioners

AN ORDINANCE NAMING PUBLIC AND PRIVATE ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public and private roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.


NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County THAT the following public and private roads are given the official names as stated:

Jones County
Private Lanes

Current Name	Proposed Name	Township	Post Office
Brown Street	Brown Lane (Off Hwy 58 South in Hatchville)	Pollocksville	Pollocksville
Edwin Street	Edwin Lane (Off Gardner in Hatchville)	Pollocksville	Pollocksville
Gardner Street	Gardner Lane (Off Hwy 58 South in Hatchville)	Pollocksville	Pollocksville
Georgia Street	Georgia Lane (Off Brown in Hatchville)	Pollocksville	Pollocksville
Hatch Street	Hatch Lane (Off Brown in Hatchville)	Pollocksville	Pollocksville
Johnson Street	Johnson Lane (Off Gardner in Hatchville)	Pollocksville	Pollocksville
Johnson Street	Emanuel Lane (Off Hwy 58 in Hatchville)	Pollocksville	Pollocksville
Kathrine Street	Katharine Lane (Off Gardner in Hatchville)	Pollocksville	Pollocksville
Melvin Street	Melvin Lane (Off Gardner in Hatchville)	Pollocksville	Pollocksville

Jones County
Private Lanes

Proposed Road	Township	Post Office
Baden Lane (Off Richlands Road) Bayden <i>and</i>	Cypress Creek	Richlands
Beaver Dam Lane (Off Potters Hill Road)	Tuckahoe	Pink Hill
Brown Farm Lane (Off Small Town Road)	Tuckahoe	Pink Hill
Boyette Lane (Off Mary Tate Road)	Tuckahoe	Pink Hill
Cedar Lane (Off Pole Pocosin Road)	Pollocksville	Pollocksville
Charlie Brown Lane (Off Small Town Road)	Tuckahoe	Pink Hill
Deerfield Trail (Off White Oak River Road)	White Oak	Maysville
Hickory River Lane (Off Henderson Road)	Trenton	Trenton
Lester Hansley Lane (Off White Oak River Road)	White Oak	Maysville
Roy Mallard Lane (Roy Mallard Lane)	Trenton	Trenton
Sly Fox Lane (Off Hwy 58 South)	White Oak	Maysville
Triple K Farm Lane (Off Olivers Crossroads Ext.)	Pollocksville	Pollocksville



Horace B. Phillips, Chairman
Board of County Commissioners

ATTEST: 

Cora Davenport, Clerk
Board of County Commissioners

Per Commissioners Minutes February 18, 2002
Ordinance No. 47

As Amended

This Ordinance replaces Ordinance # 42

JONES COUNTY ADDRESSING AND ROAD NAMING ORDINANCE

ARTICLE I

Introductory Provisions

1.01 Purpose

The Purpose and intent of this ordinance is to provide a uniform system of addresses for all properties and buildings throughout the County's jurisdiction in order to facilitate adequate public safety and decrease emergency response time and to minimize difficulty in locating properties and buildings for public service agencies and the public.

1.02 Enactment and Authority

There is here-by established and adopted a detailed, permanent, uniform, addressing system, pursuant to authority of Chapter 62-A of the General Statutes of North Carolina. In addition, Chapter 153A, Article 12 of the General Statutes of North Carolina, empowers the county to name roads.

1.03 Short Title

This ordinance shall be known as the "Addressing and Road Naming Ordinance of Jones County, North Carolina," and may be referred to as "Addressing Ordinance," and the map referred to is identified by the title "Official Road Name and Structure Numbering Map, Jones County, North Carolina," and may be known as the "Addressing Map."

1.04 Territorial Jurisdiction

The Road Naming and Addressing Policies set forth in this ordinance shall be applicable for all of the unincorporated areas of the county and incorporated areas herein the governing body has adopted a resolution adopting this ordinance.

1.05 Adoption by Incorporated Areas

Any incorporated municipality within the county that is being provided radio communications services by the county's 911 Public Service Answering Point (Sheriff's Office), is requested to adopt a resolution permitting this ordinance to be applicable within said municipality.

ARTICLE II

Addressing Map

2.01 Official Road Name and Structure Numbering Map

The addressing map shall be entitled, "Official Road Name and Structure Numbering Map, Jones County, North Carolina". The effective date of said map shall be the date that said mapping and addressing is accepted from the contractor by the county upon completion of the contract for all of the mapping, addressing, and data base development by the E 911 Addressing Contractor. Said map shall hereby be adopted as the Official Road Name and Structure Numbering Map of Jones County. All county addresses assigned shall be assigned in accordance with the specifications of this ordinance and with this map in the office of the E911 Addressing Administrator.

2.02 Maintenance and Storage

The Addressing Map shall be kept on file in the office of the E911 Addressing Administrator. This map may be maintained and updated in data processing storage Systems.

ARTICLE III

3.01 Uniformity of the System

All roads that are officially designated on the Addressing Map whether public or private, shall be addressed uniformly and consecutively along the roadway centerline. Numbers shall be assigned to structures along the entirety of all named thoroughfares.

3.02 Road Naming and Numbering Criteria

All roads, both public and private, shall be named, have road name signs installed, and all structures shall be numbered if two or more addressable structures including mobile homes or mobile home hookups are found. Structures to be addressed will include every addressable structure such as but not limited to: a residence, a mobile home, a mobile home hook-up, a business, a barn or livestock building suitable for storage or public telephone.

3.03 Numbering Method

A set of numbers consisting of a three, four, or five digit natural number-called a structure number shall be assigned at intervals of 21.12 feet along a roadway centerline. Odd structure numbers shall be assigned to the left side of the road by ascending numbers moving away from the point of origin on the thoroughfare. Even structure numbers shall be assigned to the right side of the road in a like manner.

3.04 Dead-end Road

All dead-end roads and cul-de-sacs shall begin with ascending numbers at the open end, that being the end connecting to another road.

3.05 Numbers Begin with 100, 200, 300, etc.

The first potentially assignable structure number (in the first 21.12 feet) on a given road shall be the number 100, 101, 102, etc., or the number currently assigned by a municipal numbering system if practicable.

ARTICLE IV

The Addressing System

4.01 Method of Assigning a Number

Generally, the origin point for numbering in the County will be the County Courthouse. The incorporated towns of Maysville, Pollocksville, and Trenton along the thoroughfares will serve as points of origin for the streets and roads within their municipal boundaries. When the thoroughfare enters a municipality the numbering system may continue consecutively with the municipality street name replacing the highway name. Existing municipal address will be used when a municipality has a maintainable addressing system in place that conforms to this ordinance and postal regulations.

Where two postal centers (towns) deliver mail on the same road, one set of numbers running consecutively would be used. Addressing would start at the end of the road, street, lane, etc., that is near the point of origin with odd numbers on left and even numbers on right, ascending to the next intersection or end of block range. Twenty-five odd and twenty-five even numbers would be issued for every 1/10 of mile; example 100, 104, or 106. This would leave room for growth by using 102-106 in this system. Potentially there could be a number every 21.12 feet along either side of a thoroughfare.

4.02 Corner Lots

Structures on corner lots shall be assigned a structure number either from the road, which intersects the addressable driveway to that structure, or from the road in which the main access or entrance to the structure is oriented. The number will be assigned using the method in section 4.01 above and will be assigned in the manner, which is most logical.

4.03 Road Name of Address

The road name for an address shall be the name of the road from which the structure is numbered.

4.04 Requirements for Road Naming and Numbering

If development of a private road meets or exceeds the minimum structure regulations provided in this Ordinance and has or expects to have 2 or more addressable structures, said road shall be named and numbered and structures addressed or re-addressed according to the requirements herein.

4.05 Duplex and Multi-Family Dwellings

One structure number shall be assigned to each structure whose units share a common roof. Each unit within the structure shall be assigned a unit designator. Allowed unit designators include apartment numbers for apartments and numbers for commercial buildings. The unit designator shall be a number, and shall not include alphabetic characters, except as stated in section 4.06 of this ordinance.

4.06 Assigning of Unit Designators

Residential unit designators shall be as follows: ground level floor numbers-#101, #102, *103... second floor numbers-#201, #202, #203 ... etc. All floor levels are to follow this scheme. Underground floor designators shall follow the same scheme with the exception of having a "U" for a prefix, for example #U101, #U102... etc. This section specifically applies to multi-family dwellings.

4.07 Mobile Homes

Manufactured housing, mobile homes, or mobile home hook-up sites shall be assigned individual street addresses according to the requirements herein, whether they are located on individual lots or in developed parks.

4.08 Recreational or Resort Communities

Resort communities or recreational developments that have established sites with structures or electrical power hookups shall be assigned individual- street addresses in accordance with the requirements herein.

ARTICLE V**Posting Requirements for Structures****5.01 Time Constraints**

Within 90 days after written notification of the assignment of or change of a structure number, the owner of said structure shall post the assigned structure number in compliance with the requirements herein.

5.02 Number Specifications (As amended)

All structure numbers shall be constructed of a durable material. The color shall contrast with the color scheme of the structure, and preferably be reflective. If mounted on glass, the structure numbers shall contrast with the background and be clearly visible.

The minimum number size for residential structures or units shall be a minimum of 3 inches in height. The minimum size for all other structure numbers shall be six (6) inches in height. In all cases, a number larger than the minimum size may be required where the minimum size does not provide adequate identification.

5.03 Posting Locations

All numerical identifications must be easily identifiable without obstruction of view.

Any dwelling or business located at more than 100 feet from the roadway and/or not clearly visible shall be required to have numerical posting at both the entrance or driveway and located in close proximity to the front door or entrance way.

The post height of 3 feet above ground will be required for all entrances or private drives that require numerical posting. The post shall be a minimum of 4" x 4" and be treated to prevent decay. A mailbox will be suitable, as long as it is placed at the entranceway to the property and have numbers meeting the requirements of this ordinance.

5.04 Maintenance of Structure Numbers

Following the posting of the assigned number as required herein, the owner shall maintain the structure number at all times in compliance with the requirements of this article. Structure numbers and unit designators, as viewed from the road, shall not be obstructed from view.

ARTICLE VI

Road Naming

6.01 Approval of Private Road Names

The E-911 Addressing Administrator shall have authority to approve private road names. Public road names shall be named by the Jones County Board of Commissioners in accordance with North Carolina G.S. 65-153A. The E911 Addressing Administrator shall coordinate the naming of all streets within the incorporated areas of the county with the Municipality and shall approve or disapprove private street names in accordance with this ordinance.

6.02 Naming Private Roads

The Addressing Contractor or the E911 Addressing Administrator, when an unnamed private road is detected, will assign a temporary numerical designator to the road. The E911 Addressing Administrator will then mail a road-naming petition to the predominant property owner and a notice of this action to adjoining property owners. The notice will identify the road section to be named, a suggested name if practicable, allow 14 days for the return of the petition with a minimum of seventy-five percent (75%) of the named property owners agreeing to the name or a substitute name. If no name or petition is received by the E911 Addressing Administrator within the allotted time, the E911 Addressing Administrator will name the road and send notice of the new name to property owners listed on the original petition. The E 911 Addressing Administrator must approve substitute names or name private roads in accordance with this ordinance.

6.03 New Road Names

New road names that relate to the history, location, or name of a project area, shall be given consideration.

6.04 Desirable Names

Road names that are pleasant sounding, appropriate, easy to read, and add pride to home ownership, shall be promoted.

6.05 Deceptively Similar Names or Undesirable Names

The E 9-1-1 Addressing Administrator shall maintain a database of existing road names, so that duplicate or "deceptively similar" road names are neither approved nor assigned. The following kinds of names shall be avoided: numerical, alphabetical, similar in nature, and complicated names. The E 9-1-1 Addressing Administrator is hereby given authority to refuse to accept any road name, which in his opinion violates the spirit or the provisions of this article.

6.06 Suffixes

The following road name suffixes are allowed: Avenue (AVE), Boulevard (BLVD), Circle (CIR), Court (CT), Drive (DR), Highway (HWY), Lane (LN), Loop (LP), Parkway (PKWY), Place (PL), Road (RD), Street (ST), Trail (TRL), and Way.

Private roads with one (1) entrance point shall be assigned the suffixes Trail, Lane or Way. All other suffixes shall be reserved for public roads.

6.07 Road Segments

Each road shall bear the same name and uniform numbering along the entirety of the road. Segments of roads shall not be allowed to have different or separate names. The E911 Addressing Administrator shall determine what constitutes a road or way.

6.08 Offset Intersections and Split Routes

Split routes, also known as "dog-leg" of offset intersections, shall be treated as separate roads with different names and numbering to preserve the integrity and continuity of the numbering system.

6.09 Impasses

Impasses or sections of a road that are impassable shall be assigned different names and numbering to each portion of the road on either side of the impasse to preserve the integrity and continuity of the numbering system.

ARTICLE VII

Road Name Signs and Standards

7.01 Installation and Maintenance

All public and private road name signs that are outside of municipal jurisdictions and required by the ordinance shall be installed and maintained by the sign maintenance contractor and coordinated with the E911 Addressing Administrator. The municipality will maintain all public and private road name signs required by the ordinance within a municipality's jurisdiction.

7.02 Sign Standards

Road name signs shall meet the following standards:

- (a) All road name sign blades shall be a minimum six-inch vertical dimension sign with a minimum of four-inch letters.
- (b) Road name signs or "blades" shall be made of a reflective green sheeting with the road name in reflective silver letters on both sides.
- (c) All road name sign locations will be mapped by the county.

- (d) Staff of the various Water Department, Sheriff's Department, and EMS will notify the E 911 Addressing Administrator when signs are down or in need of maintenance. The E911 Addressing Administrator will order replacements for signs that have been destroyed. The E911 Addressing Administrator will notify the sign maintenance contractor when the replacements have arrived for installation or maintenance.

ARTICLE VIII

Administration

- 8.01 Ordinance Administrator shall be the E 911 Addressing and Database Administrator.
- 8.02 Applications and Petitions (See Article IX Section 9.5)
- 8.03 Certificate of Occupancy

Final approval for a Certificate of Occupancy of any structure or building erected or repaired after the effective date of this ordinance and the delivery of the "Address Numbering Map" by the contractor shall be withheld until permanent and proper structure numbers have been posted in accordance with the requirements herein.

8.04 Fees

Fees and charges provided in the Jones county Addressing Ordinance for the filing of petitions, applications, the cost of hearings, variances and maps shall be paid by the applicant under this ordinance at the time of application.

8.05 Reason for Denial

If approval is denied, the E 9-1-1 Addressing Administrator, shall provide an "in-kind" statement in writing of his reasons for non-approval of a particular action (petition, variance, application, etc.).

ARTICLE IX

Amendments

9.01 General

The Board of County Commissioners may, from time to time, on its own motion or on petition, after public notice and a hearing, as provided by this ordinance, amend, supplement, change, modify, or repeal the addressing regulations and assignments. No action shall be taken until the proposal has been submitted to the E 911 Addressing Administrator for review and recommendations. If no report has been received from the E 911 Addressing Administrator within forty-five (45) days after submission of the proposal, the Board of County Commissioners may proceed as though a favorable report has been received.

9.02 Public Notification Requirements

Before adopting or amending this ordinance, the Board of County Commissioners shall conduct a public hearing on the proposal. A notice of the public hearing shall be advertised once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days or more than twenty-five (25) days before the appointed date of the meeting.

9.03 Letter of Notification

Whenever there is a proposal for a change in the addressing system involving any portion of an address, the land owner of that parcel's address as shown on the county tax listing and the land owners of all the parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed change in the

addressing system. The E 911 Addressing Administrator shall mail the notice by first class mail to the last address listed of the landowners according to the county account file within the County Tax Office. The E 911 Addressing Administrator shall provide written notification to the Board of Commissioners attesting to the fulfillment of this task.

9.04 Protesting a Petition or Proposal of Amendment

No protest against any change in, or amendment to, the addressing ordinance, regulations, proposals, or the addressing system, shall be valid or effective unless it is in the form of a written petition. The petition shall bear the names and signatures of the opposing property owners and shall affirm and state the nature of protest to the proposal.

9.05 Application for Amendment

Applications for an amendment to the addressing ordinance shall be filed with the E 911 Addressing Administrator at least ten (10) days prior to the date on which it is to be heard by the Board of Commissioners. The E 911 Addressing Administrator shall be responsible for presenting the application to the Board of County Commissioners. Each application shall be signed, be in a duplicated form, and shall contain the following:

- (a) The applicant's name and address in full.
- (b) In the case of a text amendment, it shall set forth the new text to be added and the existing text to be deleted and any other text changes that will have to be made as a result of the effect on the remaining articles, sections, definitions, diagrams or attachments.
- (c) If the proposed amendment will change the Addressing Map a copy of the Addressing Map shall be marked to indicate the impact of the proposed amendment to the existing map and shall be presented with the application for amendment.

All proposed amendments to the addressing ordinance should be submitted to the E 911 Addressing Administrator for review and recommendation. The E 911 Addressing Administrator shall have forty-five (45) days to submit its report to the County Board of Commissioners. If the E 911 Addressing Administrator fails to submit its report within the above period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the Board of County Commissioners before the adoption of any proposed amendments to the addressing ordinance. When the Board of County Commissioners shall have denied any application for the change of a portion or matter of the addressing ordinance, it shall not thereafter accept any other application for the same change involving that portion or matter of the ordinance until the expiration of six (6) months from the date of such previous denial.

Before any action shall be taken on an amendment request, the party or parties proposing or recommending said amendment shall deposit the required fee with the E 911 Addressing Administrator at the time the petition is filed to cover publication and other miscellaneous cost for said change. Under no condition shall said fee or any part thereof be refunded for failure of said amendment to be adopted. However, in the event an application is withdrawn prior to the time it is ordered advertised for hearing by the E 911 Addressing Administrator, three-fourths (3/4) of the fee shall be refunded.

ARTICLE X

Schedule of Fees

- (a) Petition to change a road name must include a \$50.00 per sign blade to cover cost of replacing signs in addition to \$100.00 to advertise public hearings. If the County Commissioners do not approve the request, only the sign cost will be refunded.

- (b) The fee for replacing signs damaged by accident or negligence shall be \$50.00 per sign blade and \$25.00 per signpost.

ARTICLE XI

Legal Status Provisions

It shall be unlawful for any person to use or display a different address or portion thereof except as provided by this ordinance or the "Official Road Name and Structure Numbering Map, Jones County, North Carolina."

It shall be unlawful for any person to name or designate the name of any private road, street, drive, cart way, easement, right-of-way, access area or any other thoroughfare, except as provided by this ordinance.

It shall be unlawful for any person to establish or erect any road sign that does not comply with the standards set forth in this ordinance.

It shall be unlawful for any person to intentionally destroy, mar, or deface any county road name sign.

ARTICLE XII

Violations and Enforcement

12.01 Posting Structure Numbers

Violation of this ordinance is a misdemeanor as provided by N. C. General Statute 14-4 and may be punished as provided therein.

Civil penalties may be imposed in accordance with the following procedure:

- (a) Initial notification of violation, in writing by first class mail return receipt, to last known address of the person to be notified.
- (b) If not corrected within ten days, a warning citation may be issued.
- (c) If not corrected within seven days of issuance of a warning citation, a second citation including a fine of \$50.00 may be issued.
- (d) Each day the violation continues shall constitute a separate violation of this ordinance.

12.02 Notification of Violation

Shall:

- (a) be issued by the Addressing Administrator or his designee
- (b) be in writing, certified mail notice directed to the name and address of the owner of the structure, and,
- (c) must set forth the action necessary for the offender to be in compliance with this ordinance.

12.03 Road Name Signs

Violation of Article XI of this ordinance shall be punishable by maximum fines of up to \$50.00 for each violation.

12.04 Legal Prosecution

Nothing herein contained shall prevent the County of Jones from taking other such lawful actions as is necessary to prevent or remedy any violation.

ARTICLE XIII

Appeals and Requests for Variances

13.01 Variances and Exceptions

The County Board of Commissioners may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in a unnecessary hardship. In granting a variance, the Board of Commissioners may prescribe appropriate solutions as it deems necessary to preserve the intent of this ordinance. In granting a variance of exception to this Ordinance the Board of Commissioners must determine the following:

- (a) Special conditions and circumstance exist which are peculiar to the road naming or addressing involved and which are not applicable to other roads, or addresses.
- (b) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other citizens.
- (c) Special conditions and circumstances do not result from the actions of the applicants; and
- (d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other citizens.

13.02 First Appeal or Request for Variance

- (a) be in writing, directed to the ordinance administrator
- (b) be dated and describe the reasons for the appeal
- (c) appeals shall clearly state that all property owners along said road are aware that any road name sign posting variance may hinder emergency response personnel in their efforts to locate a particular address, and,
- (d) Contain the signatures of seventy-five (75%) of the property owners along said road.

13.03 Second Appeal

- (a) be in writing, directed to the Board of Commissioners

ARTICLE XIV

Definitions of Specific Terms or Words

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows or as indicated by United States Postal Regulations and the National Emergency Number Association Definitions.

Avenue	(AVE) a major road that runs generally in an east/west direction.
Boulevard	(BLVD) an unusually wide street typically in residential areas; often with central, dividing median.
Circle (CIR)	a short road that begins and then returns to the same road.
Court (CT)	a dead end right-of-way often ending as a cul-de-sac.
Drive (DR)	a curving secondary road.
Highways	(HWY) a designated state or federal highway.

Interstate	(I - #) a thoroughfare of the highest order and federally designated as an Interstate.
Lane	(LN) a short private road that branches off of another road and ends or connects to another secondary road
Loop	(LP) a short road that starts and ends on the same street or road.
Ordinance Administrator	The Jones County E 9-1-1 Addressing Administrator or such other county official as may be designated by the County Commissioners.
Parkway	(PKWY) a special scenic route or park drive.
Place	(PL) a cul-de-sac or permanent dead end road.
Private Road	Any road which is not maintained by a governmental entity or agency through the use of public funds. Road name suffixes for private roads include: Trail, Lane and Way.
Public Road	Any road which is maintained by a governmental entity or agency through the use of public funds.
Radio Communications Services	Includes any radio communications, transmissions, dispatching or future Enhanced 911 communications that may involve police, emergency, fire, or rescue operations, but are not limited to these aforesaid operations.
Road	(RD) a well-traveled secondary road often connecting with a U.S. or state primary highway.
Sign Maintenance Contractor	The individual(s) contracted by the County to install and maintain all public and private road signs that are regulated by this ordinance.
Street	(ST) a street that runs through a subdivision or neighborhood.
Street address	a unique identifier for each addressable structure within the County. The minimum adequate street address shall be defined as the assigned structure number and the officially adopted road name. Where required by this ordinance, the street address shall also include the assigned unit designator.
Structure	Any building, whether residential including mobile homes and mobile home hook-ups, commercial, industrial, or institutional in nature and use, or public telephone, bridge, railroad crossing, and communications towers.
Structure number	The numerical portion of the street address, as assigned by the Planning Director or his designee, in accordance with the Office Road Name and Structure Numbering Map of Jones County, N.C.
Thoroughfare	A general all inclusive term for: roads-public or private, street, drive, cart way, easement, right-of-way, or any other word or words that means a way of access.
Trail	(Trl) a local, private road that serves as a connector for larger roads.
Unit designator	The portion of the street address used to distinguish individual units within the same structure.

Way (Way) a minor private road that begins and ends on the same road.

ARTICLE XV

Closing Provisions

15.01 Conflict with Other Laws

All other ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Where the provisions of this ordinance are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

15.02 Severability

Should any section, subsection, sentence, clause, phrase provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that so declared to be unconstitutional or invalid.

15.03 Limitation of Liability

The County, directors, officers and agents, are not liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission of any of its employees, directors, officers, or agents except for willful or wanton misconduct, in connection with developing, adoption, implementing, maintaining, or operating any 911 system.

ARTICLE XVI

Effective Date

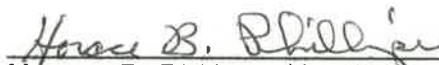
This ordinance shall take effect and be in force from and after its adoption.

Duly adopted by the Board of County Commissioners, Jones County, North Carolina, this the 18th day of February, 2002.

This was originally Ordinance # 42 but Section 5.02 was changed as of this date.



Cora Davenport, Clerk
Board of County Commissioners



Horace B. Phillips, Chairman
Board of County Commissioners

200

Ordinance # 48

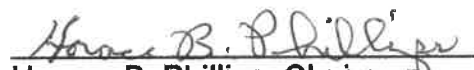
MOTION made by Joe Wiggins and seconded by Charles Battle and unanimously carried THAT the Board approves Road Name Changes as Per Ordinance # 48.

Jones County
Private Roads

Proposed Road Name	Post Township	Office
Acorn Lane (Off Oak Grove Road)	Pollocksville	Pollocksville
Ashlee Nicol Trail (Off Pleasant Hill Road)	Chinquapin	Kinston
Bass Trail (Off Catfish Lake Road)	White Oak	Maysville
Black Swamp Lane (Off Davis Field Road)	Pollocksville	Pollocksville
Bluegill Lane (Off Great Lake Road)	White Oak	Maysville
Bullock Lane (Off Goshen Way)	Pollocksville	Pollocksville
Calvin Lane (Off Brimmage Road)	Trenton	Trenton
Cloey Lane (Off Oak Grove Road)	Pollocksville	Trenton
Elzora Ward Lane (Off Hwy 41 E)	Trenton	Trenton
Fay Meadows Lane (Off Hunter Creek Road)	White Oak	Maysville
Freeman Lane (Off Hwy 58 S)	White Oak	Maysville
Frog Lane (Off Wyse Fork Road)	Beaver Creek	Dover
Gene Powers Way (Off Plantation Road)	Cypress Creek	Trenton
Georges Way (Off Hughes Farm Road)	Pollocksville	Pollocksville
Gus Lane (Off Barber Road)	Trenton	Trenton
Honey Corner Lane (Off Hwy 41 W)	Cypress Creek	Trenton
Jack Lillier Lane (Off Burney Town Rd)	Tuckahoe	Kinston
John Mallard Lane (Off Ten Mile Fork Rd)	Trenton	Trenton
Julia Lane (Off Lenard Lane)	Trenton	Trenton
Lenard Lane (Off Old New Bern Rd)	Trenton	Trenton
Meadowbrook Lane (Off Island Creek Rd)	Pollocksville	Pollocksville
Moses Lane (Off Hill Road)	White Oak	Maysville
Nguyen Lane (Off Island Creek Rd)	Pollocksville	Pollocksville
Odessa Lane (Off Lenard Lane)	Trenton	Trenton
Outback Trail (Off Burkett Rd)	Beaver Creek	Dover
Peggy Lane (Off Hwy 41 W)	Tuckahoe	Trenton
Register Lane (Off Green Rd)	Beaver Creek	Trenton
Samantha Lane (Off Great Lake Rd)	White Oak	Maysville
Woodrow Battle Lane (Off Hwy 41 W)	Cypress Creek	Trenton
Wrenn Nest Lane (Off Wyse Fork Rd)	Beaver Creek	Dover
Young Lane (Off Catfish Lake Rd)	White Oak	Maysville

Duly adopted by the Board of County Commissioners, Jones County, North Carolina, this the 18th day of March, 2002.


Cora Davenport, Clerk
Board of County Commissioners


Horace B. Phillips, Chairman
Board of County Commissioners

Ordinance # 49

MOTION made by Sondra Riggs and seconded by Charles Battle and unanimously carried **THAT** the Board approves to following Ordinance # 49.

**Jones County
NC State Roads**

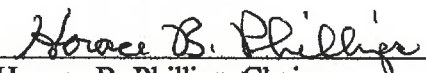
NC DOT#	Current Name	Proposed Name	Township	Post Office
SR 1166	Whitford Street	Trent Acres Drive	Pollocksville	Pollocksville
SR 1167	Parker Drive	Trent Acres Drive	Pollocksville	Pollocksville
SR 1168	Trent Drive	Trent Acres Drive	Pollocksville	Pollocksville

**Jones County
Private Roads**

Proposed Road Name	Township	Post Office
Big Papas Lane (Off Hwy 17, Pollocksville)	Pollocksville	Pollocksville
Elementary School Lane (Off Old New Bern)	Trenton	Trenton
La Wane Lane (Off Ten Mile Fork Rd)	Trenton	Trenton
Magnolia Lane (Off Hwy 58 N)	Trenton	Trenton
Marnies Lane (Off Hwy 58 S)	White Oak	Maysville
Ray Dudley Lane (Off Hwy 58 S)	White Oak	Maysville
Pondarosa Trail (Off Lees Chapel Rd)	Pollocksville	Pollocksville
Turner Farm Lane (Off Watering Pond Rd)	Tuckahoe	Pink Hill
Viper Lane (Off Hwy 17)	Pollocksville	Pollocksville
Virginia Lane (Off Island Creek Rd)	Pollocksville	Pollocksville
Wildwood Lane (Off Wyse Fork)	Pollocksville	Pollocksville

Adopted this the 15th day of April, 2002.


Cora Davenport, Clerk
Board of County Commissioners


Horace B. Phillips, Chairman
Board of County Commissioners


Ordinance # 50

MOTION made by Leslie Strayhorn and seconded by Sondra Riggs and unanimously carried **THAT** the Board approves to following Ordinance # 50:

**Jones County
Private Roads**

Proposed Road Name		Township	Post Office
Amberazine Lane	(off Oak Grove Rd)	Pollocksville	Pollocksville
Arthur Lane	(off Lee's Chapel Rd)	Pollocksville	Pollocksville
Back Porch Lane	(off Hwy 17)	White Oak	Maysville
Briar Patch Lane	(off Hwy 58 S)	Trenton	Trenton
Byrd Lane	(off Main St. / Hwy 58 S)	White Oak	Maysville
Deep Gully Lane	(off Simmons Loop Rd)	Pollocksville	New Bern
Dudley Lane	(off Second St Maysville)	White Oak	Maysville
Family Circle Ln	(off Hwy 17 north Maysville)	White Oak	Maysville
Fish Pond Lane	(off of White Oak River Rd)	White Oak	Maysville
Garys Lane	(off Greentown Rd)	Trenton	Trenton
Guy Link Field Ln	(off Great Lake Rd)	White Oak	Maysville
Homestead Lane	(off Hwy 58 S)	White Oak	Maysville
Jeffrey Lane	(off Hwy 17 S of Sermon Rd)	Pollocksville	Pollocksville
Longview Lane	(off of Eighth St.)	White Oak	Maysville
Louvnia Lane	(off Hwy 17 S of Foscue Dr)	Pollocksville	Pollocksville
Meadowlark Lane	(off Hwy 17 near	White Oak	Maysville
Medical Lane	(off Hwy 17 -ECIM)	Pollocksville	Pollocksville
Minnie Lane	(off Hwy 17)	Pollocksville	Pollocksville
Neuhoff Lane	(off White Oak River Rd)	White Oak	Maysville
Old Railroad Trail	(off of Riggs Dr)	Pollocksville	Pollocksville
Paige Lane	(off Hwy 17)	Pollocksville	Pollocksville
Pelletier Lane	(off Ninth St - MHP)	White Oak	Maysville
Randolph Lane	(off Middle Rd near Foy Ln)	Trenton	Trenton
Rebel Way	(off of Emmett Rd)	White Oak	Maysville
Rolling Lane	(off Mary Tate Rd)	Tuckahoe	Pink Hill
Tonya Trail	(off Hwy 41 W)	Trenton	Trenton
Turner Farm Lane	(off of Watering Pond Rd near County line)	Tuckahoe	Pink Hill
Ventures Lane	(off Hwy 58 S)	Trenton	Trenton

This the 5th day of August, 2002.


 Horace B. Phillips, Chairman
 Board of County Commissioners

ATTEST: 
 Cora Davenport, Clerk
 Board of County Commissioners

Ordinance # 51**(Effective July 2, 2004)**

I certify the following to be an exact excerpt from the minutes of the Jones County Board of Commissioners meeting held on May 3, 2004.

MOTION made by Jessie Eubanks and seconded by Charles Battle and unanimously carried THAT the Board approves the Flood Plain Ordinance with Zero Freeboard, effective July 2, 2004.


Maureen W. Murphy, Clerk (July 26, 2004)
Board of County Commissioners

JONES COUNTY
FLOOD DAMAGE PREVENTION ORDINANCE

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of County Commissioners of Jones County, North Carolina, does ordain as follows:

FINDINGS OF FACT.

The flood prone areas within the jurisdiction of Jones County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

control filling, grading, dredging, and all other development which may increase erosion or flood damage; and,

prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

OBJECTIVES.

The objectives of this ordinance are:

- to protect human life and health;
- to minimize expenditure of public money for costly flood control projects;
- to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- to minimize prolonged business losses and interruptions;
- to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
- to insure that potential homebuyers are notified that property is in a Special Flood Hazard Area.

DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)"

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

"Building" see "Structure"

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" defined as in NCGS 130A-290(a)(6).

"Elevated Building" means a non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is pre-FIRM.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Floodplain" or **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

"Flood Prone Area" see "Floodplain"

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Floor" see "Lowest Floor"

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a State inventory of historic places;
- (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified
 - (1) by an approved state program as determined by the Secretary of Interior, or
 - (2) directly by the Secretary of Interior in states without approved programs.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

"Lowest Floor" means the subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Market Value" means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

"Mean Sea Level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the original version of this ordinance and includes any subsequent improvements to such structures.

"Nonconforming Building or Development" means any legally existing building or development which fails to comply with the current provisions of this ordinance.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"Post-FIRM" means construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

"Pre-FIRM" means construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently towable by a light duty truck; and,
- designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.

"Regulatory Flood Protection Elevation" means the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE.

"Remedy a Violation" means to bring the structure or other development into compliance with State or Community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Retrofitting" means measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

"Special Flood Hazard Area (SFHA)" is the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section B of this ordinance.

"Solid Waste Disposal Facility" means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

"Solid Waste Disposal Site" defined as in NCGS 130A-290(a)(36).

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- B. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

GENERAL PROVISIONS.**LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of Jones County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Jones County dated July 2, 2004, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- (1) generated as a requirement of Article 4, Section C(11 & 12) this Ordinance;
- (2) preliminary FIRMs where more stringent than the effective FIRM; or
- (3) post-disaster Flood Recovery Maps.

ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas as determined in Article 3, Section B.

COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations

ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- considered as minimum requirements;
- liberally construed in favor of the governing body; and,
- deemed neither to limit nor repeal any other powers granted under State statutes

WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Jones County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Jones County from taking such other lawful action as is necessary to prevent or remedy any violation.

ADMINISTRATION.

DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The County Building Inspector or designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Plans and Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain development permit.

A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;

the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B or a statement that the entire lot is within the Special Flood Hazard Area;

flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;

the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;

the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C(11 & 12); or Article 5, Sections C, D and B(5);

the old and new location of any watercourse that will be altered or relocated as a result of proposed development;

Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

If floodproofing, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood-proofed development will meet the flood-proofing criteria in Article 5, Section B(2) and Section C(2).

A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Article 5, Section B(4);

Usage details of any enclosed space below the regulatory flood protection elevation.

Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

If floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Article 5, Section B(6 & 7) of this code are met.

If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

Floodplain Development Permit Data Requirements. The following information shall be provided at a minimum on the Floodplain Development Permit to ensure compliance with this code.

A description of the development to be permitted under the floodplain development permit issuance.

The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.

The regulatory flood protection elevation required for the reference level and all attendant utilities.

The regulatory flood protection elevation required for the protection of all public utilities.

All certification submittal requirements with timelines.

State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.

Certification Requirements.

An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is completed. Within twenty-one (21) calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make said corrections required shall be cause to issue a stop-work order for the project.

A Final As-Built Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. **(FEMA FORMS ARE OPTIONAL FOR FLOODPLAIN MANAGEMENT BUT RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATES IS MANDATORY FOR CRS COMMUNITIES)**

If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Article 5, Section B(3).

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

Certification Exemptions. The following structures, if located within A, AO, AE or A1-30 zones, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);

Temporary Structures meeting requirements of Article 5, Section B(7); and

Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties of the floodplain administrator shall include, but not be limited to:

Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the requirements of this ordinance have been satisfied.

Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section E are met.

Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B(3).

Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Article 4, Section B(3).

Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Article 4, Section B(3).

When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B(3) and Article 5, Section B(2).

Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section C(4), in order to administer the provisions of this ordinance.

When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file.

Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

Follow through with corrective procedures of Article 4, Section D.

CORRECTIVE PROCEDURES.

Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating

that the building or property is in violation of the Flood Damage Prevention Ordinance;

that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

that following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) days. Where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

VARIANCE PROCEDURES.

The Jones County Planning Board as established by Jones County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

the danger that materials may be swept onto other lands to the injury of others;

the danger to life and property due to flooding or erosion damage;

the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

the importance of the services provided by the proposed facility to the community;

the necessity to the facility of a waterfront location, where applicable;

the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

the compatibility of the proposed use with existing and anticipated development;

the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

the safety of access to the property in times of flood for ordinary and emergency vehicles;

the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

A written report addressing each of the above factors shall be submitted with the application for a variance.

Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

Conditions for Variances:

Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

a showing of good and sufficient cause;

a determination that failure to grant the variance would result in exceptional hardship; and

a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met. A Floodplain Development permit may be issued for such development only if a variance is granted.

The use serves a critical need in the community.

No feasible location exists for the use outside the Special Flood Hazard Area.

The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.

The use complies with all other applicable federal, state and local laws.

Jones County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) days prior to granting the variance.

PROVISIONS FOR FLOOD HAZARD REDUCTION.

GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but

are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B(3) of this code.

SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(11 & 12), the following provisions are required:

Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B(3).

Manufactured Homes.

New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

All foundation enclosures or skirting shall be in accordance with Article 5, Section B(4).

An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE, and A1-30 zones and meet the following design criteria:

Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

The total net area of all openings must be at least one (1) square inch for each square foot of each enclosed area subject to flooding.

If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;

The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade; and,

Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions.

Foundation enclosures:

Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.

Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

Additions/Improvements.

Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure

are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure

are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

Recreational Vehicles. Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

meet all the requirements for new construction, including anchoring and elevation requirements of Article 4, Section B and Article 5, Sections A and B(3).

Temporary Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

Applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

a specified time period for which the temporary use will be permitted;

the name, address, and phone number of the individual responsible for the removal of the temporary structure;

the time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.

The above information shall be submitted in writing to the floodplain administrator for review and written approval.

Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

Accessory structures shall be designed to have low flood damage potential;

Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1);

All service facilities such as electrical and heating equipment shall be installed in accordance with Article 5, Section A(4); and

Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Article 5 Section B(4)(a).

An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

SUBDIVISIONS, MANUFACTURED HOME PARKS AND MAJOR DEVELOPMENTS.

All subdivision, manufactured home park and major development proposals located within Special Flood Hazard Areas shall:

be consistent with the need to minimize flood damage;

have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

have adequate drainage provided to reduce exposure to flood hazards; and,

have Base Flood Elevation (BFE) data provided if development is greater than the lesser of five (5) acres or fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article 3, Section B to be utilized in implementing this code.

STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

If Article 5, Section C(1) is satisfied and Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or flood proofed in accordance with elevations established in accordance with Article 4, Section C(11 & 12). When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source, the reference level, including basement, shall be elevated at least two (2) feet above the highest adjacent grade

STANDARDS FOR FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

FLOODWAYS AND NON-ENCROACHMENT AREAS.

Located within the Special Flood Hazard Areas established in Article 3, Section B are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit.

If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

the anchoring and the elevation standards of Article 5, Section B(3); and

the no encroachment standards of Article 5, Section F(1) are met.

STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not

exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BFE has been established.

All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 4, Section B(3) and Article 5, Section B(2).

LEGAL STATUS PROVISIONS.

EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted January 6, 1975 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Jones County enacted on January 6, 1975, as amended, which are not reenacted herein are repealed.

EFFECT UPON OUTSTANDING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this ordinance.


EFFECTIVE DATE.


This ordinance shall become effective July 2, 2004

ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of Jones County, North Carolina, on the 3rd day of May, 2004.

WITNESS my hand and the official seal of Jones County, this the 3rd day of May, 2004.

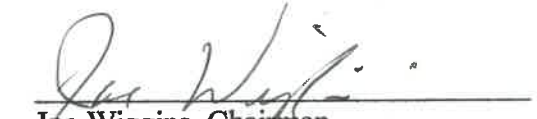

 Joe Wiggins, Chairman
 Jones County Board of Commissioners

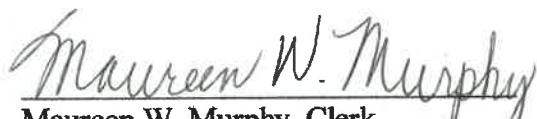

 Maureen W. Murphy, Clerk
 Jones County Board of Commissioners

Ordinance # 52

Effective October 1, 2004

MOTION made by Jessie Eubanks and seconded by Frank Emory and unanimously carried THAT the Board approves the following changes in the E911 Ordinance (#26), increasing the E911 service charge from \$1.00 per month to \$1.90 per month in New Ordinance #52 effective October 1, 2004.



Joe Wiggins, Chairman
Jones County Board of Commissioners

Maureen W. Murphy, Clerk
Jones County Board of Commissioners

MOTION made by Sondra Riggs, seconded by Jesse Eubanks and unanimously carried THAT the Board approves the Family Home Care Facility Ordinance, effective December 17, 2007.

**JONES COUNTY
FAMILY CARE HOME FACILITY
ORDINANCE**

WHEREAS, a consistent system for locating and regulating facilities engaged in providing services related to family care homes, as further defined herein, is necessary to protect the general health, safety and welfare of the citizens of Jones County.

NOW, THEREFORE, BE IT RESOLVED by the Jones County Board of Commissioners:

ARTICLE 1

Title

This Ordinance shall be known and may be cited as the "Jones County Family Care Home Facility Ordinance".

ARTICLE 2

Authority; Purpose and Intent

2.1 This Ordinance is authorized by virtue of Chapter 153A, Article 6 and Chapter 168, Article 3 of the North Carolina General Statutes.

2.2 The purpose and intent of this Ordinance is to provide for the public health, safety and welfare, and to provide for the proper locating of Family Care Home Facilities and related activities, and to establish reasonable and uniform regulations to regulate the same within the County.

ARTICLE 3

Definitions

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Article:

3.1 "**County**" shall mean Jones County, a body politic and corporate of the State of North Carolina.

3.2 "**Facility(ies)**" or "**Family Care Home Facility(ies)**" shall mean any facility or facilities regulated under Chapter 168, Article 3 of the North Carolina General Statutes, and/or Title 10A NCAC 27G Section .0100 through Section .1999, or any amendments thereto or recodifications thereof.

3.3 "**Ordinance**" shall mean this Jones County Family Care Home Facility Ordinance.

ARTICLE 4

Regulations

4.1 No Facility regulated hereunder may be located within a one-half mile radius of another existing Facility.

4.2 All Facilities must otherwise comply with all other applicable local rules, regulations and laws.

ARTICLE 5**Scope**

This Ordinance shall apply to the entire County outside of the incorporated limits and area of extraterritorial jurisdiction of any incorporated municipality.

ARTICLE 6**Enforcement**

6.1 Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4.

6.2 Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, shall also subject the offender to a civil penalty of \$500.00, which includes administrative fees. If the offender fails to correct this violation within ten (10) days after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

6.3 This Article may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.

6.4 Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purpose of the penalties and remedies specified in this section.

6.5 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

ARTICLE 7**Severability**

Should any article or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 8**Conflicting Ordinances Superseded**

Any portion of a duly adopted ordinance of Jones County in conflict with the provisions of this Ordinance is hereby expressly superseded.

ARTICLE 9**Effective Date**

This Ordinance shall be effective upon enactment.

JONES COUNTY

BY: _____
Chairman,
Jones County Board of Commissioners

Ordinance #53

Per Commissioners Minutes, December 17, 2007

ATTEST:

Clerk,
Jones County Board of Commissioners

**ORDINANCE
TO ESTABLISH AN IDENTITY THEFT PREVENTION PROGRAM**

WHEREAS pursuant to federal law the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft;

WHEREAS, the Federal Trade Commission regulations, adopted as 16 CFR § 681.2 require creditors, as defined by 15 U.S.C. § 168a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS 15 U.S.C. § 1681a(r)(5) cites 15 U.S.C. § 1691a, which defines a creditor as a person that extends, renews or continues credit, and defines 'credit' in part as the right to purchase property or services and defer payment therefore;

WHEREAS the Federal Trade Commission regulations include utility companies in the definition of creditor;

WHEREAS Jones County is a creditor with respect to 16 CFR § 681.2 by virtue of providing utility services or by otherwise accepting payment for municipal services in arrears;

WHEREAS the Federal Trade Commission regulations define "covered account" in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions and specifies that a utility account is a covered account;

WHEREAS the Federal Trade Commission regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts;

WHEREAS the County provides public utility services for which payment is made after the service has otherwise been provided which by virtue of being utility accounts are covered accounts;

NOW, THEREFORE, BE IT ORDAINED that Jones County adopts the following Identity Theft Prevention Program:

**ARTICLE 1
Program Adoption**

This Identity Theft Prevention Program ("Program") is adopted pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2.

**ARTICLE 2
Definitions**

2.1 "County" means and refers to Jones County.

2.2 "Covered Account" means and refers to (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

2.3 “Customer” means and refers to a person that has a covered account with the County.

2.4 “Identifying information” shall be as defined under the Rule, as amended from time to time. As of the effective date of this Ordinance, it means “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” and shall include: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

2.5 “Identity Theft” means and refers to fraud committed using the identifying information of another person.

2.6 “Person” means and refers to a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

2.7 “Program Administrator” shall mean and refer to that person designated by the County Board of Commissioners for the administration and enforcement of this Ordinance, or his designee.

2.8 “Red Flag” means and refers to a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

2.9 “Utility” shall mean and refer to any board, commission, district, department, provider or other agency or department of County that provides any type of public utility service, or which is otherwise subject to the Rule.

ARTICLE 3 **Identification of Red Flags**

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);

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2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
 3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
 5. Social security number presented that is the same as one given by another customer;
 6. An address or phone number presented that is the same as that of another person;
 7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
 8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

ARTICLE 4
Detecting Red Flags

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other photo identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

ARTICLE 5
Preventing and Mitigating Identity Theft

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

A. Prevention and Mitigation

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

B. Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. If applicable, ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date;
7. Access to customer accounts shall be limited to County personnel only; and
8. Require and keep only the kinds of customer information that are necessary for utility purposes.

ARTICLE 6
Program Updates

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once per year, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. Thereafter, he shall update the Board of Commissioners with his recommended changes, if any, and the Board of Commissioners will make a determination of whether to make any changes to the Program.

ARTICLE 7
Program Administration

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. The Utility should include in its Program how often training is to occur. Staff shall provide reports to the Program Administrator on incidents of Identity Theft, the Utility's compliance with the Program and the effectiveness of the Program at least annually.

The reports should address material matters related to the Program and evaluate issues such as: the effectiveness of the policies and procedures of the creditor in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the Program.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

ARTICLE 8
Severability; Conflict with Other Laws

A. Severability

If any section, clause or provision of this Ordinance shall be found to be invalid, the validity of the remaining sections, clauses or provisions shall not be affected thereby.

B. Conflict with Other Laws

Whenever the regulations of this ordinance conflict with the requirements of another statute, the more restrictive standard shall apply.

ARTICLE 9
Effective Date

This Ordinance shall become effective immediately upon adoption.

ADOPTED this the _____ of October, 2008.

JONES COUNTY

By: _____

JOE WIGGINS, Chairman
Jones County Board of Commissioners

ATTEST:

JENNIFER GRAY, Clerk to the Board

-SEAL-

ORDINANCE
REGARDING DESIGNATION OF AN OFFICIAL TO MAKE
RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC
BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

WHEREAS, North Carolina General Statute § 18B-904(f) provides that the governing body of a county may designate an official of the county, by name or position, to make recommendations to the State ABC Commission on behalf of the county concerning the suitability of a person or of a location for an ABC permit when the proposed location is within the county; and

WHEREAS, the Sheriff, or any employee of the Sheriff's Office, designated by the Sheriff, is designated as the official authorized to make recommendations on behalf of the governing body concerning the suitability of a person or of a location for an ABC permit within the county pursuant to North Carolina General Statute § 18B-904(f); and

WHEREAS, the Sheriff's Department will obtain criminal history information on each applicant based on identification information regarding the applicant contained in the notice of permit application received from the State ABC Commission; and

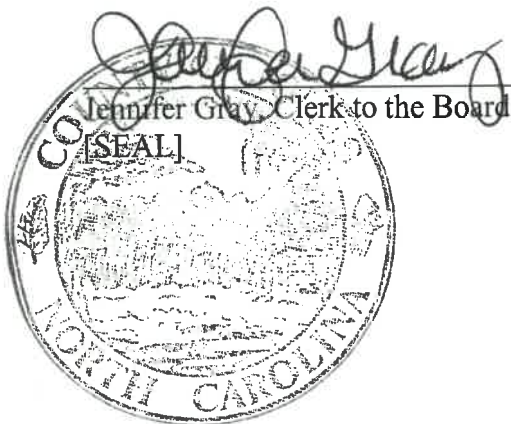
WHEREAS, if said criminal history information reveals that an applicant has been convicted of any felony, a misdemeanor involving drugs or alcohol, or any offense in violation of Article 26 of Chapter 14 of the North Carolina General Statutes, the Sheriff's Department will file a written objection to the issuance of the permit; and

WHEREAS, the State ABC Commission is the government agency responsible for the issuance of all ABC permits.

NOW, THEREFORE, BE IT RESOLVED that the Jones County Sheriff is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the County of Jones regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED that nothing herein shall prevent the Board of Commissioners from making recommendations to the North Carolina Alcoholic Beverage Control Commission concerning the suitability of a person or of a location for an ABC permit within the County of Jones.

This the 19th day of October, 2009.



Joseph F. Wiggins, Chairman

**JONES COUNTY
SUBSTANCE ABUSE FACILITY
ORDINANCE**

WHEREAS, a consistent system for locating and regulating facilities engaged in providing services for substance abusers is necessary to protect the general health, safety and welfare of the citizens of Jones County.

NOW, THEREFORE, BE IT RESOLVED by the Jones County Board of Commissioners:

ARTICLE 1

Title

This Ordinance shall be known and may be cited as the "Jones County Substance Abuse Facility Ordinance".

ARTICLE 2

Authority; Purpose and Intent

2.1 This Ordinance is authorized by virtue of Chapter 153A, Article 6 ("Delegation and Exercise of the General Police Power") and Article 18 ("Planning and Regulation of Development") of the North Carolina General Statutes, which provides police powers and land use development regulatory authority in the furtherance of the general health, safety, and welfare

2.2 The purpose and intent of this Ordinance is to provide for the public health, safety and welfare, and to provide for an orderly regulation of substance abuse facilities and related activities, and to establish reasonable and uniform regulations to regulate the same within the County.

ARTICLE 3

Definitions

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Article:

3.1 **"Board of Commissioners"** shall mean the Jones County Board of Commissioners.

3.2 **"Building Inspector"** shall mean the duly appointed chief building inspector of Jones County, or his designee.

3.3 **"County"** shall mean Jones County, a body politic and corporate of the State of North Carolina.

3.4 **"Director"** shall mean the Director of the Jones County Health Department, or her designee.

3.5 **"Facility(ies)"** shall mean any facility or facilities having for at least one of its purposes the provisions of services for the care, treatment, habilitation, or rehabilitation of Substance Abusers, including temporary or permanent housing therefore, and regardless of the number of individuals receiving services therein. The term

"Facility" as defined herein is not limited to those facilities that are regulated by the State of North Carolina or any agency or department thereof.

3.6 "**Fire Marshal**" shall mean the duly appointed Fire Marshal of Jones County, or his designee.

3.7 "**Health Department**" shall mean the Jones County Health Department.

3.8 "**Ordinance**" shall mean this Jones County Substance Abuse Facility Ordinance.

3.9 "**Permittee**" shall mean any Person granted a permit under the provisions of this Ordinance, and his employees and agents.

3.10 "**Person**" shall mean any individual, corporation, limited liability company, partnership, or any other legal entity.

3.11 "**Public Facility**" shall mean any real property, improved or otherwise, that is owned and/or operated by any federal, state, board of education, or local unit of government, or any agency or department thereof.

3.12 "**Substance Abuse**" shall mean the pathological use or abuse of alcohol or other drugs in a way or to a degree that produces impairment in personal, social, or occupational functioning, and may include a pattern of tolerance or withdrawal.

3.13 "**Substance Abuser**" shall mean an individual who engages in Substance Abuse, including reformers thereof.

ARTICLE 4

Permit Required

4.1 It shall be unlawful for any Person to operate a Facility without a valid permit issued by the Director.

4.2 An application for a permit must be made on a form provided by the County and available at the Health Department. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the Facility. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus twelve (12) inches.

4.3 The applicant must be qualified according to the provisions of this Ordinance, and the premises must be inspected and found to be in compliance with all applicable laws by the Health Department, Fire Marshal and Building Inspector.

4.4 If an applicant is an individual, he must sign the application for the permit as applicant, and may be subject to a background check. If an applicant is other than an individual, each individual who owns or controls at least a ten percent (10%) interest in the applicant, or if there are no equity owners the President or other chief executive officer, must sign the application for a permit.

4.5 The possession by the applicant of other federal, state or local permits and/or licenses does not exempt the applicant from the requirement of obtaining a permit under this Ordinance.

4.6 Applications shall be submitted by hand delivery to the office of the Director, during regular working hours of the Health Department. The applicant shall be required to give all required information on the application form. The information to be requested on the application is attached hereto as Attachment "A", incorporated herein by reference.

4.7 The application shall be accompanied by the following:

4.7.1 Application fee paid in full.

4.7.2 If the Facility is owned and/or operated by a corporation, limited liability company or other legal entity registered with the North Carolina Secretary of State, a certified statement of good standing from the North Carolina Secretary of State and a current and complete copy of its Charter. If the Facility is owned and/or operated by a general or limited partnership, a certified copy of the Partnership Agreement, together with all amendments thereto.

4.7.3 Proof of the current fee ownership of the tract of land on which the Facility is, or will be, situated in the form of a copy of the recorded deed.

4.7.4 If the owners identified as the fee owners of the tract of land in subparagraph 4.7.3 above, are not also the owners of the Facility, then a copy of the lease, purchase contract, option or other documents evidencing the legally enforceable right of the owners or proposed owners of the Facility to have or obtain the use and possession of the tract or portion thereof that is to be used for the Facility.

4.7.5 Any of the items identified in Sections 4.7.1 through 4.7.4 above, shall not be required for a renewal application if the applicant states that the documents previously furnished the Director with the original application or previous renewals thereof are correct and current.

4.8 The application shall contain a statement under oath that:

4.8.1 The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.

4.8.2 The applicant has read the provisions of this Ordinance.

4.9 A separate application and permit shall be required for each Facility.

ARTICLE 5

Issuance of Permit

5.1 The Director shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application, unless he finds one or more of the following conditions or events:

5.1.1 Any applicant is under twenty-one (21) years of age.

5.1.2 Any applicant is delinquent to the County of any tax, fine, or penalty assessed against him or imposed upon him in relation to a Facility.

5.1.3 Any applicant has failed to provide information reasonably necessary for issuance of the permit, or has falsely answered a question or request for information on the application.

5.1.4 The premises to be used for the Facility have not been approved by the Health Department, Fire Marshal, and Building Inspector as being in compliance with all applicable laws and ordinances.

5.1.5 The permit fee required by this Ordinance has not been paid.

5.1.6 An application for the proposed Facility is in violation of, or is not in compliance with, any of the provisions of this Ordinance.

5.1.7 Any other reason satisfactory to the Director that, in his good faith determination, requires denial of a permit in the furtherance of the public health, safety and welfare.

5.2 The permit, if granted, shall state on its face the name of the Person to whom it is granted, the expiration date, and the address of the Facility. The permit shall be posted in a conspicuous place at or near the entrance to the Facility so that it may be easily read at any time.

5.3 The Health Department, Fire Marshal and Building Inspector shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Director. Certification shall be promptly presented to the Director.

5.4 In the event that the Director determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for said denial within forty-five (45) days of the receipt of its application by the Director; provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice of denial is issued, in order to make modifications necessary to comply with this Ordinance.

5.5 An applicant may appeal the decision of the Director regarding a denial to the Board of Commissioners by filing a written notice of appeal with the Clerk to the Board of Commissioners within fifteen (15) days after the applicant is given notice of the Director's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for said appeal and all arguments in support thereof. The Director may submit a response to the memorandum filed by the applicant on appeal to the Board of Commissioners. After reviewing all information submitted to it, including the Director's response, if any, the Board of Commissioners shall vote to either uphold or overrule the Director's decision. This vote shall be taken at the second regularly scheduled Commissioner's meeting after the date on which the Clerk receives the notice of appeal. During the pendency of any appeal, the Director's decision will be binding on all parties, and no permit will be considered issued.

ARTICLE 6

Additional Regulations

6.1 The boundary line of any real property containing a Facility may not be located within the following distances the boundary line of any real property containing any of the following structures:

6.1.1 2,000 feet of a church;

- 6.1.2 2,000 feet of a public or private school, or day care facility;
- 6.1.3 2,000 feet of a residence;
- 6.1.4 2,000 feet of another Facility; and
- 6.1.5 2,000 feet of a Public Facility.

ARTICLE 7

Fees

The initial permit fee for each Facility shall be \$1,000.00. The annual renewal permit fee for each Facility shall be \$500.00. These fees are to be used to assist the cost of the administration and enforcement of this Ordinance.

ARTICLE 8

Inspections

The applicant and/or Permittee shall permit representatives of the Jones County Sheriff's Department, Health Department, Fire Marshal, Building Inspector or any other state or county department or agency to inspect the premises of a Facility at any time it is occupied or opened for business, for the purpose of insuring compliance with all applicable laws.

ARTICLE 9

Term of Permit

9.1 Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided for in Article 4. Application for renewal must be at least thirty (30) days before the expiration date. If application for renewal is made less than thirty (30) days before the expiration date, the application shall be treated as a new application.

9.2 In the event the Director denies renewal of a permit, the applicant shall be entitled to an appeals procedure as set forth in Section 5.5. If the Director's denial of permit renewal is upheld, or if not timely appealed by the applicant, the applicant shall not be issued a permit for one (1) year from the date of said denial. If subsequent to denial the Director finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit by the Director, and the Director shall have the discretion to deem the grant of the permit as a new permit or a renewal permit.

ARTICLE 10

Suspension of Permit

The Director shall suspend a permit for a period not to exceed thirty (30) days, in his discretion, if he determines that the Permittee has:

- 10.1 Violated or is not in compliance with any provisions of this Ordinance.
- 10.2 Refused to allow an inspection of the Facility as authorized by this Ordinance.

10.3 Knowingly permitted the violation of any federal, state or local law by any Person on the premises of the Facility.

ARTICLE 11

Revocation

11.1 The Director shall revoke a permit if a cause of suspension in Article 10 occurs and the permit has been suspended previously within the preceding twelve (12) months.

11.2 The Director shall revoke a permit if he determines that:

11.2.1 A Permittee gave false or misleading information in the material submitted during the application process.

11.2.2 A Permittee knowingly permitted violation of any federal, state or local law by any Person on the premises of the Facility.

11.2.3 A Permittee has knowingly operated the Facility during a period of time when the Permittee's permit was suspended.

11.2.4 There was a change of owner or operator for which a transfer application was not timely filed.

11.3 When the Director revokes a permit, the revocation shall continue for a period of one (1) year, and the Permittee shall not be issued a permit under this Ordinance during the period of revocation. If, subsequent to revocation but during the period of revocation, the Director finds that the basis for the revocation has been corrected or abated, the Director may, but is not required, to grant a new permit.

11.4 Upon revocation of a permit by the Director, the Permittee may appeal the same in accordance with the provisions of Section 5.5.

ARTICLE 12

Transfer of Permit

12.1 A Permittee shall not transfer his permit to another, nor shall a Permittee operate the Facility under the authority of a permit at any place other than the address designated in the application.

12.2 In the event of a non-individual Permittee, any change in ownership greater than ten percent (10%) shall constitute a transfer. In that event, the Permittee will be required to obtain a new permit in accordance with Article 4.

ARTICLE 13

Signage

13.1 Notwithstanding any other applicable statute, regulation or ordinance, it shall be unlawful for the owner or operator of a Facility, or any other person, to erect,

construct, or maintain any sign for a Facility other than one (1) primary sign and one (1) secondary sign as provided herein.

13.2 A primary sign shall have no more than two (2) display surfaces. Each such display surface shall:

- 13.2.1** Not contain any flashing or neon lights.
- 13.2.2** Be a flat plane, rectangular in shape.
- 13.2.3** Not exceed fifty (50) square feet in area.
- 13.2.4** Not exceed ten (10) feet in height or ten (10) feet in width.

13.3 Secondary signs shall have only one display surface. Such display surface shall:

- 13.3.1** Be a flat plane, rectangular in shape.
- 13.3.2** Not exceed twenty (20) square feet in area.
- 13.3.3** Not exceed five (5) feet in height or in width.
- 13.3.4** Be affixed or attached to any wall or door of the enterprise.
- 13.3.5** Satisfy the requirements of Section 13.2.1 above.

ARTICLE 14

Injunction

A Person who owns or operates, or causes to be operated a Facility without a valid permit, or otherwise violates the provisions of this Ordinance, is subject to a suit for injunction, prosecution for criminal violations, and any other remedies allowed by law whether or not explicitly identified in this Ordinance. It shall not be a defense to any injunctive or other equitable action that an adequate remedy at law may exist.

ARTICLE 15

Existing Facilities

This Ordinance shall not apply to any Facility existing on the effective date of this Ordinance. It shall apply to any existing Facility which changes ownership, management or control after the effective date of this Ordinance.

ARTICLE 16

Scope

This Ordinance shall apply to all of the County outside of any municipality.

ARTICLE 17

Enforcement

17.1 Violations of the provisions of this Ordinance or failure to comply with any of its requirements, shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4.

17.2 Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, shall also subject the offender to a civil penalty of \$500.00, which includes administrative fees. If the offender fails to correct this violation within ten (10) days after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

17.3 This Article may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.

17.4 Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

17.5 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

ARTICLE 18

Severability

Should any article or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 19

Conflicting Ordinances Superseded

Any portion of a duly adopted ordinance of Jones County in conflict with the provisions of this Ordinance is hereby expressly superseded.

ARTICLE 20

Effective Date

This Ordinance shall be effective upon enactment.

JONES COUNTY

BY: _____
Chairman,
Jones County Board of Commissioners

ATTEST:

Clerk,
Jones County Board of Commissioners

ATTACHMENT "A"

REQUIRED APPLICATION INFORMATION

1. The name, street address (and mailing address, if different) of the intended operator.
2. The name, street address (and mailing address, if different) of all applicants.
3. The name under which the Facility is to be operated and a general description of the services to be provided.
4. The telephone number of the Facility, the intended operator, and all individuals signing the application.
5. The address, and legal description of the tract of land on which the Facility is, or will be, located.
6. If the Facility is already in operation, the date on which the applicant(s) acquire the establishment for which the permit is sought, and the date on which the establishment began operations as a Facility at the location for which the permit is sought.
7. If the Facility is not currently in operation, the expected date the Facility will be opened for business (which shall be expressed in number of days from the date of the issuance of the permit). If the expected initial date is to be more than ten (10) days following the date of the issuance of the permit, then the applicant must provide a detailed explanation of the construction, repair or remodeling work, or other cause as to the delay in starting operations, and a statement of the applicant(s) time schedule in plan for accomplishing the same.

**JONES COUNTY
VOLUNTARY AGRICULTURAL DISTRICTS
ORDINANCE**

**ARTICLE I
TITLE**

This ordinance, adopted by the Board of Commissioners of Jones County, North Carolina, shall be known as the Jones County Voluntary Agricultural Districts Ordinance.

**ARTICLE II
AUTHORITY**

The articles and sections of this ordinance are adopted pursuant to the authority conferred by N. C. General Statutes 106-735 through 106-743 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this ordinance is to promote the health, safety, rural agricultural values, and general welfare of the county, and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of farming; increase protection from undesirable, non-farm development; and increase the protection of farms from nuisance suits and other negative impacts on properly managed farms.

**ARTICLE IV
DEFINITIONS**

Advisory Board: The Jones County Agricultural Advisory Board.

Board of Commissioners: The Board of Commissioners of Jones County, North Carolina.

Chairman: Chairman of the Jones County Agricultural Advisory Board.

District: A voluntary agricultural district established under the terms and conditions of this program by the Board of Commissioners.

**ARTICLE V
AGRICULTURAL ADVISORY BOARD**

A. Creation

In accordance with N.C.G.S. 106-739, the Board of Commissioners hereby establishes an Agricultural Advisory Board to implement the provisions of this ordinance.

B. Appointments and Memberships

The Advisory Board shall consist of seven (7) members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each board member shall be a county resident, and there shall be one (1) board member from each County Township.

2. All of the members shall be actively engaged in farming.
3. All members shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Jones Soil and Water Conservation District, the North Carolina Cooperative Extension Service, the Farm Service Agency Committee and the Jones County Farm Bureau.

D. Tenure.

The members are to serve for terms of three years, except that the initial board is to consist of two appointees for a term of one year, two appointees for terms of two years, and three appointees for a term of three years. Thereafter, all appointments are to be for terms of three years, with unlimited reappointments permitted.

E. Vacancies.

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for the initial appointment.

F. Removal for Cause.

Any member of the Advisory Board may be removed for cause by the Board of Commissioners.

G. Funding

- (a) Compensation. The per meeting compensation of the members of the Advisory Board, if any, shall be fixed by the Board of Commissioners.
- (b) Appropriations for performance of duties. Funds shall be appropriated by the Board of Commissioners to the Advisory Board to perform its duties. A budget request will be presented to the Board of Commissioners annually.

H. Procedures

The Advisory Board shall adopt rules of procedure which are consistent with the enabling legislation and other applicable statutes.

1. Chairperson; Vice Chairperson

The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall have and exercise all the powers of the chairperson so absent or disabled. Additional officers may be elected as needed.

2. Jurisdiction and Procedures: Supplementary Rules.

The jurisdiction and procedures of the Advisory Board are set out in this article, except that the board may adopt supplementary rules of procedure not inconsistent with this article or with other provisions of law.

3. Board Year.

The Advisory Board shall use the County fiscal year as its meeting year.

4. Meetings.

Meetings of the Advisory Board, following such notice as required by this Article, shall be held at the call of the Chairperson, Vice Chairperson, two (2) or more members, or at such other times as the Advisory Board in its rules of procedure may specify. A regular meeting shall be held at least quarterly. A quorum shall consist of a majority of the members of the Advisory Board.

5. Voting.

The concurring vote of a majority of the members of the Advisory Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency, to decide in favor of an applicant, or to pass upon any other matter on which it is required to act under this article.

6. Records.

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Advisory Board and shall be a public record.

7. Administrative Services.

The North Carolina Cooperative Extension Service shall serve the Advisory Board for record keeping, correspondence, and application procedure under this article together with such other services the Advisory Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review and approve applications for qualified farmland and Districts.
2. Hold public hearings pursuant to Article X of this program.
3. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the county and that will affect agricultural districts.
4. Provide quarterly updates to the Board of Commissioners as to all matters considered and actions taken, including those items required to be reported annually to the North Carolina Commissioner of Agriculture under Article XVI, Paragraph A.
5. Perform other related tasks or duties assigned by the Board of Commissioners.

ARTICLE VI

CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

A. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of Districts which shall meet the following standards:

1. A District, when initially established, shall contain a minimum of 10 contiguous acres of qualified farmland, or, two or more qualified farms which contain a minimum of 10 acres in total and are located within one (1) mile of each other; and
2. The landowner(s) requesting inclusion in the District shall execute an agreement with the county to sustain agriculture in the District in accordance with Article VII of this program. Said agreement shall be in a form which is reviewed and approved by the Advisory Board.

Upon the recommendation of the Voluntary Agricultural District Advisory Board, the Board of County Commissioners may decrease or increase the number of Districts as set forth here.

B. Education

The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

C. Withdrawal

In the event that one or more participants in a District withdraw and the acreage becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a District will continue to exist so long as there is one qualifying farm.

ARTICLE VII CERTIFICATION AND QUALIFICATION OF FARMLAND

A. Requirements

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

1. The farmland shall be real property;
2. The farm property shall be participating in the farm present-use-value taxation program established by G.S. 105-277.2 through 105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3;
3. The property shall be certified by the Natural Resources Conservation Service of the United States Department of Agriculture, in consultation with the North Carolina Cooperative Extension Service and the Farm Service Agency, as being a farm on which at least two-thirds of the land is composed of soils that:

- (a) Are best suited for providing food, seed, fiber, forage, timber, and horticultural crops, including Christmas trees and ornamentals;
- (b) have good soil qualities;
- (c) are favorable for all major crops common to the county where the land is located;
- (d) have a favorable growing season; and
- (e) receive the available moisture needed to produce high yields for an average of eight out of ten years; or

Soils on which at least two-thirds of the land has been actively used in agricultural, horticultural, or forestry operations as defined in G.S. 105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;

- 4. The property is the subject of a conservation agreement, as defined in G.S. 121-35, between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this conservation agreement by submitting a written request to the board in accordance with Article IX.

ARTICLE VIII

APPLICATION, APPROVAL, AND APPEAL PROCEDURE

A. Application Procedure

- 1. A landowner may apply to participate in the program by making application to the Chairperson of the Advisory Board or a designated staff person. The application shall be on forms provided by the Advisory Board. The application to participate in a District may be filed with the certification for qualifying farmland.
- 2. An agreement to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the Advisory Board.
- 3. Payment of all fees that may from time-to-time be adopted by the Board of Commissioners must be submitted with the application.

B. Approval Process

Upon review by the staff of the written certification and application submitted by the property owner, the Board shall meet within 30 days if possible to approve or disapprove the application. The chairman shall notify the applicants by first class mail of said approval or disapproval of participation in the district.

Upon receipt of an application, the chairman of the Agricultural Board will forward a copy of the application to the County Manager, the County Tax Assessor, and the County Planning Board which may be asked to provide comments, if any, to the Agricultural Board prior to the vote on the application.

C. Appeal

If an application is denied by the Advisory Board, the petitioner shall have thirty (30) days to appeal the decision to the Board of Commissioners. Such appeal shall be presented in

writing. The decision of the Board of Commissioners is final.

ARTICLE IX REVOCATION OF PRESERVATION AGREEMENTS

By written notice to the board, a landowner of qualifying farmland may revoke the preservation agreement formulated pursuant to Article VII (4) of this ordinance, or the board may revoke same preservation agreement based on noncompliance by the landowner. Such revocation shall result in loss of qualifying farm status, and consequently, loss of eligibility to participate in a District and the benefits thereof. Revocation by a landowner of a preservation agreement and the resulting loss of qualifying farmland status for the purpose of participation in a District shall in no way affect the eligibility of the land to be taxed at its present use value as provided in N.C.G.S. 105-277.2 through N.C.G.S. 105-277.6. If a portion of a district is removed for any reason after being established by this program, the remaining qualified farms may remain in the program, provided they meet all other requirements except the minimum area requirements of Article VI.

ARTICLE X PUBLIC HEARINGS

A. Purpose

Pursuant to N.C.G.S. 106-740, no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation. The procedures for such hearings shall be as set forth below.

B. Procedures

1. Establish Public Hearing.

Upon receipt of a request for a public hearing, the Advisory Board shall have 30 days after receiving a request under this article to hold a public hearing and submit its findings and recommendations to the agency that proposed the condemnation. No formal initiation of condemnation shall be initiated while the proposed condemnation is properly before the board within the time limitations set forth in this article.

2. Notice of Public Hearing.

The Advisory Board shall run a notice of the public hearing in a newspaper having general circulation in Jones County at least 10 days prior to the date established for the hearing. The notice shall contain the date, time, and place of the hearing and shall provide the name of the agency requesting the hearing and the purpose of the condemnation.

3. Public Hearing.

The Advisory Board shall conduct the public hearing and receive information and comments from the agency requesting the condemnation action and the citizens of Jones County. Additionally, the Advisory Board shall review the following:

- (a) Has the need for the project requiring the condemnation been satisfactorily shown by the agency requesting the action?

- (b) Has a financial impact analysis been conducted by the agency seeking the action?
- (c) Have alternatives been considered to the proposed action that are less disruptive to the agricultural activities and farmland base of the District within which the proposed action is to take place?

The Advisory Board shall invite and allow input by the North Carolina Cooperative Extension Agent, U.S.D.A. Natural Resources Conservationist, Farm Service Agency Personnel, and may consult with any other individuals, agencies or organizations, public or private, necessary to the Advisory Board's review of the proposed action.

- (4) Findings and Notification. Within 10 days after the public hearing, the Advisory Board shall make a report containing its findings and be conveyed recommendations regarding the proposed action. The report shall be conveyed to the decision-making body of the agency proposing acquisition and made available to the public for comment.

ARTICLE XI RECORD NOTICE OF PROXIMITY TO VOLUNTARY AGRICULTURAL DISTRICT

A. Procedure

When Jones County computerizes its County Land Records System, the following requirements outlined in this section shall be implemented and enforced. Upon certification of qualifying farmland and designation of real property as a District, the title to that qualifying farmland and real property which is contained in the Jones County Land Records System shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one aerial mile of a District.

B. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

C. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or District as defined in this ordinance.

ARTICLE XII SUBDIVISION ORDINANCE REVIEW

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Districts within 1/2 aerial mile of the proposed development.

ARTICLE XIII

LAND USE INCENTIVES TO VOLUNTARY AGRICULTURAL DISTRICT FORMATION

A. Purpose

The purpose of this section is to help meet the needs of agriculture as an industry and prevent conflicts between voluntary agricultural district participants and non-farm landowners in proximity to Districts.

The Advisory Board, in cooperation with the County, shall take measures as set forth below to provide notification to property owners, residents, and other interested persons adjacent to any designated District with a goal of informing all current and potential residents and property owners in and adjacent to a District, that farming and agricultural activities may take place in this District any time during the day or night.

B. Signage

Signs, with dimensions of 18"x24", identifying approved Districts shall be placed along the rights-of-way of major roads that pass through or next to those Districts. There shall at least be one sign posted upon entering and one sign posted upon exiting or as many as may be deemed appropriate by the Advisory Board, or its administrative agent for the county's agricultural District program.

- (a) Signs identifying approved agricultural districts shall be placed among the rights-of-way of major roads leading into the County. Members of the Agricultural District will place signs on their individual farms denoting their agricultural district membership in a way calculated to reasonably notify the public and adjoining of the presence of the farm property.
- (b) Maps identifying approved agricultural districts shall be provided on the Jones County website, and can be viewed in the following County offices:
 - 1. Register of Deeds;
 - 2. Natural Resources Conservation Service;
 - 3. North Carolina Cooperative Extension Service;
 - 4. Tax Office;
 - 5. Soil and Water Conservation District; and
 - 6. Any other such agency or office the Advisory Board deems appropriate, such as Jones County Planning and Inspections Department.
- (c) The following notice provided by the Advisory Board shall be displayed in a prominent position in the office of the Register of Deeds and the public access area in the Jones County Tax Department:

NOTICE TO REAL ESTATE PURCHASERS IN JONES COUNTY JONES COUNTY AGRICULTURAL DISTRICTS

Jones County has established Agricultural Districts to protect and preserve agricultural lands and activities. These Districts have been developed and mapped to inform all purchasers of real property that certain agricultural activities, including but not limited to pesticide spraying, manure spreading, machinery and

truck operations, livestock operations, sawing, and similar activities may take place in these Districts any time during the day or night.

ARTICLE XIV CONSULTATION AUTHORITY

The Advisory Board may consult with the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service office, the North Carolina Department of Agriculture and Consumer Services, and with any other individual agency, or organization the Advisory Board deems necessary to properly conduct its business.

ARTICLE XV NORTH CAROLINA AGENCY NOTIFICATION

A. Recording the Program Ordinance

An official copy of this program ordinance shall be recorded with the North Carolina Commissioner of Agriculture's office after adoption. At least once a year, the Board shall submit a written report to the North Carolina Commissioner of Agriculture and County Commissioners including the status, progress and activities of the County's District program to include but not limited to:

1. Number of landowners enrolled;
2. Number of acres for which applications have been made;
3. Number of acres certified;
4. Number of acres denied;
5. Date acres certified

ARTICLE XVI LEGAL PROVISIONS

A. Severability

If any article, section, subsection, clause, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

B. Conflict with other ordinances and statutes.

Whenever the provisions of this ordinance conflict with other ordinances of Jones County, this ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

C. Amendments.

This ordinance may be amended from time to time after a public hearing, notice of which shall be sent to program participants by first class mail 30 days prior to the hearing, and in consultation with the Advisory Board to the Board of Commissioners.

**ARTICLE XVII
ENACTMENT**

The Board of Commissioners hereby adopts and enacts the preceding articles and sections of this ordinance, effective immediately.

Adopted this the 20th day of August, 2007.

_____, Chairman
Jones County Board of Commissioners

Attest:

_____, Clerk to the Board

jonescounty/voluntary ag district ordinance

